

DIGEST

SENATE AND HOUSE BILLS ENACTED BY THE SIXTY-SECOND GENERAL ASSEMBLY OF THE STATE OF COLORADO

(2000 - Second Regular Session)

NOTE: The Digest is available on the Official Colorado State Legislative Home Page at: http://www.state.co.us/gov_dir/stateleg.html

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PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Sixty-third General Assembly at its Second Regular Session ending May 3, 2000. The summaries include the dates bills are approved and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1.
1. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 223.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Conversion Table, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page viii.
6. To identify bills that were enacted without a safety clause, refer to page ix.
7. To identify bills that were originally recommended by a 1999 interim committee, refer to page x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2000 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.
9. To identify bills that have effective dates of July 1 and later, see the listings beginning on page xii.

10. The effective date for a bill enacted without a safety clause and without an effective date indicated in the bill is August 2, 2000, the day following the expiration of the ninety-day period after final adjournment of the General Assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state Constitution unless a referendum petition is filed against the act within such time period. If a referendum petition is filed, the act, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the Governor.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2000.

Doug Brown, Director
Office of Legislative Legal Services
Room 091
State Capitol Building
Denver, CO 80203-1782
(303) 866-2045

LEGISLATIVE STATISTICAL SUMMARY

	2000		1999		1998	
	INTRO	PASSED	INTRO	PASSED	INTRO	PASSED
SENATE BILLS	232	130	239	146	201	105
HOUSE BILLS	493	297	385	223	419	248
CONCURRENT RESOLUTIONS	14	4	7	0	26	2
BILLS SIGNED BY GOVERNOR	407		360		333	
BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE	5		4		3	
BILLS VETOED BY THE GOVERNOR	13		5		16	
BILLS REFERRED TO THE PEOPLE	2		0		1	

BILLS VETOED BY THE GOVERNOR

H.B. 1023	S.B. 042
H.B. 1112	S.B. 122
H.B. 1114	S.B. 174
H.B. 1219	
H.B. 1270	
H.B. 1364	
H.B. 1389	
H.B. 1418	
H.B. 1470	
H.B. 1492	

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE

H.B. 1179	S.B. 171
H.B. 1229	S.B. 223
H.B. 1309	

BILLS WITH PORTIONS VETOED BY THE GOVERNOR

H.B. 00-1451

BILLS ENACTED WITHOUT A SAFETY CLAUSE

H.B. 1001	H.B. 1178	H.B. 1468	S.B. 072
H.B. 1005	H.B. 1190	H.B. 1478	S.B. 073
H.B. 1006	H.B. 1202	H.B. 1479	S.B. 078
H.B. 1017	H.B. 1209	H.B. 1482	S.B. 093
H.B. 1018	H.B. 1229		S.B. 098
H.B. 1022	H.B. 1234		S.B. 101
H.B. 1027	H.B. 1239		S.B. 103
H.B. 1029	H.B. 1257		S.B. 106
H.B. 1031	H.B. 1260		S.B. 130
H.B. 1036	H.B. 1261		S.B. 132
H.B. 1040	H.B. 1266		S.B. 146
H.B. 1042	H.B. 1268		S.B. 148
H.B. 1046	H.B. 1269		S.B. 154
H.B. 1048	H.B. 1270		S.B. 172
H.B. 1049	H.B. 1271		S.B. 183
H.B. 1057	H.B. 1274		S.B. 190
H.B. 1063	H.B. 1280		S.B. 209
H.B. 1067	H.B. 1284		S.B. 212
H.B. 1070	H.B. 1292		S.B. 218
H.B. 1076	H.B. 1297		
H.B. 1086	H.B. 1298		
H.B. 1087	H.B. 1302		
H.B. 1092	H.B. 1304		
H.B. 1095	H.B. 1309		
H.B. 1096	H.B. 1318		
H.B. 1097	H.B. 1319		
H.B. 1100	H.B. 1321		
H.B. 1103	H.B. 1330		
H.B. 1116	H.B. 1337		
H.B. 1122	H.B. 1343		
H.B. 1124	H.B. 1347		
H.B. 1137	H.B. 1348		
H.B. 1140	H.B. 1355		
H.B. 1142	H.B. 1393		
H.B. 1148	H.B. 1394		
H.B. 1150	H.B. 1422	S.B. 002	
H.B. 1151	H.B. 1427	S.B. 009	
H.B. 1153	H.B. 1432	S.B. 017	
H.B. 1154	H.B. 1434	S.B. 029	
H.B. 1155	H.B. 1437	S.B. 035	
H.B. 1161	H.B. 1439	S.B. 044	
H.B. 1169	H.B. 1440	S.B. 049	
H.B. 1174	H.B. 1446	S.B. 055	
H.B. 1175	H.B. 1456	S.B. 057	
H.B. 1176	H.B. 1463	S.B. 066	

**BILLS RECOMMENDED BY
1999 INTERIM AND STATUTORY COMMITTEES
THAT WERE ENACTED**

CAPITAL DEVELOPMENT COMMITTEE

S.B. 00-135 H.B. 00-1047

S.B. 00-204 H.B. 00-1055

**CHILD WELFARE OVERSIGHT
COMMITTEE**

H.B. 00-1073

CHILD CARE STUDY COMMITTEE

H.B. 00-1029 S.B. 00-019

S.B. 00-022

FIRE AND POLICE PENSION

H.B. 00-1005

H.B. 00-1006

H.B. 00-1017

H.B. 00-1018

H.B. 00-1022

**JOINT LEGISLATIVE SUNRISE/SUNSET
REVIEW COMMITTEE**

H.B. 00-1155

H.B. 00-1179

H.B. 00-1182

H.B. 00-1251

H.B. 00-1256

H.B. 00-1258

H.B. 00-1267

H.B. 00-1300

H.B. 00-1305

H.B. 00-1307

LEGAL SERVICES COMMITTEE

H.B. 00-1035 S.B. 00-120

H.B. 00-1463

**OIL AND GAS PRODUCTION
COMMITTEE**

S.B. 00-016

**TREATMENT OF PERSONS WITH
MENTAL ILLNESS IN CRIMINAL
JUSTICE SYSTEM**

H.B. 00-1033 S.B. 00-047

H.B. 00-1034

**TELECOMMUNICATIONS
COMMITTEE**

S.B. 00-012

**TRANSPORTATION
LEGISLATION REVIEW
COMMITTEE**

H.B. 00-1007 S.B. 00-015

H.B. 00-1012 S.B. 00-018

H.B. 00-1024 S.B. 00-053

**ACTS WITH JULY 1, 2000 AND LATER
EFFECTIVE DATES**

JULY 1, 2000

SENATE BILLS

00-011*	00-024	00-138	00-177	00-197
00-016	00-043	00-144	00-180*	00-206
00-018	00-062	00-145*	00-181	00-208
00-019	00-086	00-156	00-196	00-219

HOUSE BILLS

00-1025	00-1139*	00-1215	00-1263*	00-1371
00-1028	00-1158	00-1218	00-1264	00-1391
00-1056	00-1162	00-1222	00-1286	00-1417
00-1058	00-1164	00-1227*	00-1293	00-1426
00-1065	00-1166	00-1243	00-1294	00-1455
00-1083	00-1179	00-1247	00-1300	00-1458*
00-1093	00-1182	00-1251	00-1305	00-1460
00-1107	00-1183	00-1254	00-1307	00-1467
00-1108	00-1185	00-1256	00-1317	00-1483
00-1109	00-1201	00-1258	00-1336	00-1489
00-1111	00-1211	00-1262	00-1345*	
00-1113	00-1214			

*PORTIONS ONLY

AUGUST 2, 2000
(BILLS WITHOUT A SAFETY CLAUSE)

SENATE BILLS

00-002	00-049	00-073	00-106	00-172
00-009	00-055	00-078	00-130	00-183
00-017	00-057	00-093	00-146	00-209
00-035	00-066	00-098	00-148	00-212
00-044	00-072	00-103	00-154	00-218

HOUSE BILLS

00-1001	00-1076	00-1154	00-1271	00-1393
00-1005	00-1087	00-1161	00-1274	00-1427
00-1006	00-1092	00-1174	00-1280	00-1432
00-1017	00-1095	00-1175	00-1284	00-1434
00-1018	00-1096	00-1176	00-1292	00-1437
00-1022	00-1097	00-1190	00-1297	00-1439
00-1027	00-1100	00-1202	00-1298	00-1440
00-1031	00-1103	00-1209	00-1302	00-1448
00-1036	00-1116	00-1229	00-1304	00-1456
00-1040	00-1122	00-1234	00-1309	00-1463
00-1042	00-1124	00-1239	00-1318	00-1468
00-1046	00-1137	00-1257	00-1319	00-1482
00-1048	00-1140	00-1260	00-1321	
00-1049	00-1142	00-1261	00-1337	
00-1057	00-1148	00-1266	00-1347	
00-1063	00-1151	00-1268	00-1348	
00-1067	00-1153	00-1269	00-1355	
00-1070				

AUGUST 15, 2000

HOUSE BILL
00-1465

OCTOBER 1, 2000

HOUSE BILLS
00-1086
00-1479

SEPTEMBER 1, 2000

SENATE BILLS	HOUSE BILLS
00-029	00-1029
00-145*	00-1169
00-190	00-1330
	00-1422

FEBRUARY 1, 2001

SENATE BILL
00-101

JANUARY 1, 2001

SENATE BILLS	HOUSE BILLS
00-132	00-1037
00-180*	00-1088
	00-1134
	00-1139*
	00-1263*
	00-1306
	00-1343
	00-1375
	00-1394
	00-1458*
	00-1478

MARCH 1, 2001

HOUSE BILL
00-1458*

JULY 1, 2001

SENATE BILLS	HOUSE BILLS
00-011*	00-1150
00-015*	00-1155
00-180*	00-1178
	00-1227*
	00-1345*

*PORTIONS ONLY

Table of Enacted House Bills -- 2000

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGEST PAGE
1001	GOTLIEB, REEVES	MASTER PLAN CRITERIA	5/24/2000	NO SAFETY CLAUSE	204	84
1005	PLANT, REEVES	FIRE & POLICE BENEFIT FUND LATE PENALTY	3/10/2000	NO SAFETY CLAUSE	18	89
1006	PLANT, REEVES	REDUCTIONS OF FPPA ACCOUNTS	3/10/2000	NO SAFETY CLAUSE	28	89
1007	WILLIAMS S., DYER	RTD REVENUES	4/5/2000	4/5/2000	102	92
	COLEMAN,		3/10/2000	3/10/2000	19	193
1011	MUSGRAVE	RURAL TELECOMMUNICATIONS PROVIDERS				
1012	SWENSON, DYER	RECOUPING LICENSE PLATE MAILING COSTS	5/24/2000	5/24/2000	199	163
1017	MACE, TEBEDO	FPPA DISABILITY BENEFIT OPTION	3/10/2000	NO SAFETY CLAUSE	20	89
		FPPA MONEY PURCH PLAN INVESTMENT	3/10/2000	NO SAFETY CLAUSE	21	89
1018	SCOTT, ANDREWS	DUTIES				
1020	ALEXANDER, WHAM	CHILD CARE COMMISSION	6/1/2000	6/1/2000	327	140
1022	SCOTT, ANDREWS	POLICE & FIRE PENSION CONTRIB RATES	3/10/2000	NO SAFETY CLAUSE	22	90
1023	HAGEDORN, REEVES	INCREASING IMMUNIZATION RATES	VETOED	7/1/2000		125
		PROVE INSURANCE FOR VEHICLE	5/12/2000	5/12/2000	144	164
1024	MACE, MUSGRAVE	REGISTRATION				
1025	CLARKE, LINKHART	CO CHILDREN'S TRUST FUND	6/1/2000	7/1/2000	326	14
	KESTER,		3/10/2000	NO SAFETY CLAUSE	29	80
1027	WATTENBERG	REPEAL FINANCIAL INST REPORTING REQ				
1028	SWENSON, OWEN	SHARING IN WRONGFUL DEATH JUDGMENT	3/17/2000	7/1/2000	53	34
			4/11/2000	NO SAFETY CLAUSE	109	141
1029	TUPA, PASCOE	ELIGIBILITY FOR CHILD CARE ASSISTANCE		9/1/2000		
		JOINING PEST DISTRICTS WITHOUT	3/2/2000	NO SAFETY CLAUSE	4	2
1031	KESTER, HILLMAN	ELECTIONS				
1033	TOOL, ANDERSON	STUDY OF MENTALLY ILL OFFENDERS	6/1/2000	6/1/2000	325	132

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGEST PAGE
1034	KESTER, WHAM	MGMT FOR MENTALLY ILL OFFENDERS	6/1/2000	6/1/2000	324	132
1035	SMITH, MATSUNAKA	ENACTMENT OF 1999 CRS	2/10/2000	2/10/2000	1	195
	WITWER,		3/17/2000	NO SAFETY CLAUSE	48	84
1036	BLICKENS DERFER	CORONER DEATH INQUIRIES				
		CATASTROPHIC HEALTH INSURANCE	3/17/2000	1/1/2001	54	148
1037	HOPPE, MUSGRAVE	COVERAGE				
		MORE PUBLIC MEMBERS ON MED	3/17/2000	3/17/2000	55	180
1038	MORRISON, EPPS	EXAMINERS BD				
		WAIVERS OF STATE EDUCATION	5/15/ 2000	NO SAFETY CLAUSE	148	59
1040	SPENCE, HILLMAN	REQUIREMENTS				
1042	LARSON, DYER	PURPLE HEART LICENSE PLATE FEES	5/23/2000	NO SAFETY CLAUSE	213	164
1045	LARSON, DYER	IGAs WITH TRIBAL GOVERNMENTS	3/2/2000	3/2/2000	3	87
1046	SPENCE, TECK	THE SUPPLEMENTAL PUBLIC SECURITIES ACT	3/16/2000	NO SAFETY CLAUSE	39	80
1047	LAWRENCE, PHILLIPS	WILDLIFE COMMISSION PROP TRANSACTIONS	4/11/2000	4/11/2000	112	169
		CONTINUE CHECKOFF FOR SPECIAL	3/24/2000	NO SAFETY CLAUSE	63	197
1048	MITCHELL, ARNOLD	OLYMPICS				
		MAKE EARNED INCOME TAX CREDIT	5/31/2000	NO SAFETY CLAUSE	294	197
1049	McPHERSON, LACY	PERMANENT				
1052	McPHERSON, FEELEY	INST FOR TELECOM EDUC CONTRIB CREDIT	5/31/2000	5/31/2000	299	197
	MITCHELL,		5/31/2000	5/31/2000	295	198
1053	BLICKENS DERFER	INCOME TAX DEDUCTION FOR CHARITY				
1055	LAWRENCE, ARNOLD	CAPITAL CONSTRUCTION FUND TRANSFER	4/3/2000	4/3/2000	100	109
		FUNDING FOR UNEMPLOYMENT INSURANCE	5/24/2000	7/1/2000	195	154
1056	SPRADLEY, TECK	FRAUD				
	SWENSON,	ALLOW AT-GRADE INTERSECTIONS IF	4/28/2000	NO SAFETY CLAUSE	136	215
1057	MUSGRAVE	APPROVED				
1058	MORRISON, EPPS	UNPROFESSIONAL MEDICAL CONDUCT	3/17/2000	7/1/2000	56	180

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGEST PAGE
1059	VIGIL, WHAM	WAIVER OF DELINQ INTEREST ON PROP TAXES	3/10/2000	3/10/2000	30	198
1063	YOUNG, SULLIVANT	TAX CREDIT HEALTH CARE SHORTAGE AREAS	5/23/2000	No SAFETY CLAUSE	177	198
1065	SPRADLEY, WATTENBERG	OIL & GAS SEVERANCE TAX	5/31/2000	7/1/2000	300	199
1067	PASCHALL, EVANS	ALTERNATIVE FUELS INCENTIVES	5/31/2000	No SAFETY CLAUSE	301	200
1069	SMITH, DENNIS	REMOTE WEATHER SYSTEMS FOR AIRCRAFT	5/22/2000	5/22/2000	166	215
1070	SALIMAN, PHILLIPS	TEMPORARY LICENSE PLATES	5/24/2000	No SAFETY CLAUSE	198	164
1071	BACON, MATSUNAKA	DOW LAND ACQUISITION	5/30/2000	5/30/2000	287	170
1072	MACE, EPPS	OLDER COLORADANS' ACT	5/24/2000	5/24/2000	212	141
1073	HEFLEY, EPPS	DEFINITION OF CASH ASSISTANCE	3/10/2000	3/10/2000	9	141
1075	ALEXANDER, REEVES	PHYSICIAN COLLABORATION & NURSE MIDWIVES	3/10/2000	3/10/2000	13	181
1076	TOOL, WHAM	PRENATAL CARE FOR UNDOCUMENTED WOMEN	6/1/2000	No SAFETY CLAUSE	311	142
1077	WITWER, ARNOLD	ADVISORY COMM FOR BIOTERRORISM RESPONSE	3/15/2000	3/15/2000	31	109
1080	KAUFMAN, DYER	VOL FIREFIGHTER PENSION INVESTMENTS	3/30/2000	3/30/2000	82	90
1083	BERRY, OWEN	WORK FORCE INVESTMENT ACT	6/1/2000	7/1/2000	370	154
1086	GOTLIEB, MUSGRAVE	OFFSET FOR SOCIAL SECURITY	5/30/2000	No SAFETY CLAUSE 10/1/2000	288	155
1087	TAPIA, DENNIS	SECURITIES GUARANTEE BY PUBLIC UTILITIES	3/16/2000	No SAFETY CLAUSE	38	193
1088	HAGEDORN, OWEN	DISCLOSE INSURANCE CREDIT SCORING	3/17/2000	1/1/2001	58	181
1089	TAPIA, HERNANDEZ	SUBSTITUTE BOND ON PUBLIC WORKS CONTRACT	3/10/2000	3/10/2000	24	191

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGEST PAGE
1091	TAYLOR, WATTENBERG	EXPLOSIVES AND BOILER INSPECTIONS	3/17/2000	3/17/2000	51	156
1092	SINCLAIR, EPPS	DELETING SIGNATURE REQUIREMENTS	3/17/2000	NO SAFETY CLAUSE	47	81
1093	KESTER, ANDERSON	LIFE & HEALTH INS PROTECTION ACT	5/26/2000	7/1/2000	230	149
1095	BERRY, BLICKENS DERFER	MUNICIPAL ELECTIONS REVISIONS	5/24/2000	NO SAFETY CLAUSE	189	90
1096	LEYBA, REEVES	AGENCY-BASED HUMAN RESOURCES	5/24/2000	NO SAFETY CLAUSE	188	110
1097	SPRADLEY, TEBEDO	TIMING OF VOTER REGISTRATION CHALLENGES	3/31/2000	NO SAFETY CLAUSE	98	72
1098	JOHNSON, DENNIS	WILDLIFE HABITAT IMPROVEMENT	6/1/2000	6/1/2000	331	170
1099	MORRISON, CHLOUBER	HEALTH STANDARDS FOR JAILS	5/24/2000	5/24/2000	190	126
1100	TAYLOR, TEBEDO	REIMBURSE COUNTIES FOR ELECTIONS	5/22/2000	NO SAFETY CLAUSE	162	72
1103	SPRADLEY, OWEN	INCOME TAX RATE REDUCTION	5/31/2000	NO SAFETY CLAUSE	296	200
1104	WILLIAMS T., OWEN	TAX CREDIT FOR COSTS OF HEALTH BENEFITS	5/25/2000	5/25/2000	217	200
1106	LAWRENCE, ARNOLD	CRIMINAL HIST RECORDS INTERSTATE COMPACT	3/10/2000	3/10/2000	23	111
1107	KAUFMAN, WHAM	SUBSTANTIVE CRIMINAL OMNIBUS	5/23/2000	7/1/2000	171	40
1108	RAGSDALE, EVANS	FOSTER CARE & ADOPTION OF SIBLINGS	4/28/2000	7/1/2000	137	14
1109	MCPHERSON, POWERS	ADDITION OF DISTRICT COURT JUDGES	3/10/2000	7/1/2000	25	35
1111	MILLER, BLICKENS DERFER	IDENTITY THEFT	5/19/2000	7/1/2000	159	141
1112	GROSSMAN, PERLMUTTER	REG ANALYSIS OF RULES IMPACTING SM BIZ	VETOED	NO SAFETY CLAUSE		112
1113	CLAPP, EPPS	ELIMINATION OF PERJURY EXCEPTION	3/10/2000	7/1/2000	11	41
1114	LEE, CHLOUBER	CONCEALED WEAPON PERMIT INFORMATION	VETOED			41

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGEST PAGE
1116	GEORGE, WHAM	FRAUD AGAINST SENIORS	5/26/2000	NO SAFETY CLAUSE	248	25
1119	McKAY, ANDERSON	EXCHANGE OF JUVENILE INFORMATION	4/7/2000	4/7/2000	106	15
1122	WITWER, OWEN	COLO SCHOOL OF MINES INTEREST EARNINGS	4/11/2000	NO SAFETY CLAUSE	111	68
1124	KING, ANDREWS	PUBLIC SCHOOL AUTH FOR CONST & TRANSP	5/12/2000	NO SAFETY CLAUSE	147	59
1127	FAIRBANK, HILLMAN	NO STUDENT FEES FOR POLITICAL ACTIVITIES	4/7/2000	4/7/2000	103	68
1133	KAUFMAN, WHAM	DOC CHANGES	5/24/2000	5/24/2000	202	30
1134	McELHANY, EPPS	EXCLUSION FROM RESIDENT INDIVIDUAL	5/26/2000	NO SAFETY CLAUSE	270	202
1136	TAPIA, THIEBAUT	LEARNING IMPROVEMENT GRANTS	6/2/2000	1/1/2001	378	60
1137	McELHANY, TECK	LICENSING OF REAL ESTATE APPRAISERS	3/17/2000	6/2/2000	57	181
1138	LEYBA, LINKHART	LTD LIABILITY OF FOSTER CARE PROVIDERS	5/30/2000	NO SAFETY CLAUSE	292	35
1139	MACE, FEELEY	APPOINTMENT OF GUARDIANS	3/31/2000	5/30/2000	95	175
1140	McPHERSON, LAMBORN	TAX VEHICLES AT ACTUAL PRICE	5/31/2000	7/1/2000 AND 1/1/2001	302	164
1141	DEAN, BLICKENS DERFER	INTERIM ACTIVITIES OF GA	3/15/2000	NO SAFETY CLAUSE	35	83
1142	WITWER, ARNOLD	REQUIRE MUFFLERS ON JAKE BRAKES	5/26/2000	3/15/2000	246	165
1145	SPRADLEY, OWEN	BUSINESS PERS PROP TAX	5/23/2000	NO SAFETY CLASUE	178	202
1148	PASCHALL, CONGROVE	ELECTION PRECINCT NUMBERING	3/31/2000	5/23/2000	86	73
1149	VEIGA, ARNOLD	PERSONAL INJURY PROTECTION ELIGIBILITY	5/12/2000	NO SAFETY CLAUSE	143	150
1150	LEYBA, FEELEY	PAROLE FOR SPECIAL NEEDS OFFENDERS	6/1/2000	5/12/2000	312	31
1151	GOTLIEB, EVANS	LICENSES FOR OUT-OF-STATE EDUCATORS	5/26/2000	7/1/2001	247	60

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1152	SALIMAN, OWEN	EXPEDITED PERMANENCY PLANNING	3/10/2000	3/10/2000	26	16
1153	SWENSON, ARNOLD	ELIMINATED PRIVILEGES FOR WARRANTS	5/24/2000	NO SAFETY CLAUSE	191	165
1154	SMITH, TECK	PUBLIC ENTITY SECURITIES LEND AGREEMENTS	3/17/2000	NO SAFETY CLAUSE	59	112
			3/2/2000	NO SAFETY CLAUSE	2	181
1155	McKAY, TECK	DELETE DEBT MANAGEMENT REGULATION		7/1/2001		
1158	VEIGA, WHAM	DOMESTIC VIOLENCE	5/26/2000	7/1/2000	229	42
1159	ALLEN, ANDERSON	SCHOOL FINANCE	4/28/2000	4/28/2000	139	61
1161	McELHANY, TeBEDO	VETERANS SERVICE OFFICERS	5/26/2000	NO SAFETY CLAUSE	271	159
	ALEXANDER,		5/16/2000	7/1/2000	150	203
1162	MUSGRAVE	EXEMPT AGRIC ITEMS SALES & Use TAX				
		TRANSPORTATION SAFETY PROGRAM FUNDING	3/31/2000	7/1/2000	85	216
1164	BERRY, TANNER					
1166	GROSSMAN, WHAM	DNA TESTING OF CERTAIN OFFENDERS	5/26/2000	7/1/2000	231	42
	SWENSON,		5/24/2000	5/24/2000	192	126
1167	MUSGRAVE	WASTE TIRE CLEANUP FUND				
			5/26/2000	NO SAFETY CLAUSE	232	43
1169	SWENSON, ARNOLD	CRIMINAL RESTITUTION		9/1/2000		
	TAYLOR,	INCOME TAX MODIF FOR INT Div & CAP	5/22/2000	5/22/2000	163	203
1171	BLICKENS DERFER	GAINS				
	GORDON,		3/22/2000	3/22/2000	61	126
1172	BLICKENS DERFER	SIP REVIEW PROCESS				
1173	LAWRENCE, ARNOLD	TEACHER DEVELOPMENT SCHEDULES	6/2/2000	6/2/2000	375	62
1174	TOOL, LACY	ELIM LEGAL REP FOR PARTIALLY INDIGENT	6/1/2000	NO SAFETY CLAUSE	307	194
1175	PASCHALL, ARNOLD	OCCUPATIONAL DISEASE PYMT UNDER SIF	3/10/2000	NO SAFETY CLAUSE	27	156
		NO LIM ON TIME OF HOME RELIGIOUS	3/10/2000	NO SAFETY CLAUSE	10	87
1176	DEAN, SULLIVANT	STUDY				

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1178	LARSON, MUSGRAVE	SPECIAL MOBILE MACHINERY TAX	5/31/2000	No SAFETY CLAUSE 7/1/2001	303	165
1179	KESTER, CHLOUBER	REGULATION OF BARBERS & COSMETOLOGISTS	6/3/2000 BECAME LAW	7/1/2000	386	182
1180	VEIGA, OWEN	WRITTEN WORKERS' COMP FINDINGS	4/28/2000	4/28/2000	138	156
1182	WILLIAMS T., NICHOL	CONTINUE REGULATING COLLECTION AGENCIES	5/25/2000	7/1/2000	218	182
1183	VIGIL, MARTINEZ	REGULATION OF BOXING	6/2/2000	7/1/2000	372	183
1185	BERRY, MATSUNAKA	UNIFORM CONSUMER CREDIT CODE	5/26/2000	7/1/2000	265	25
1186	GEORGE, ANDERSON	MOTOR VEHICLE DEALERS	6/1/2000	6/1/2000	334	183
1190	WEBSTER, DENNIS	INCREASE OUTSTANDING BOND AMOUNT	3/16/2000	No SAFETY CLAUSE	37	69
1191	CLARKE, ANDREWS	TREASURY WITHHOLDING JUDGE'S SALARY	3/17/2000	3/17/2000	46	35
1194	GEORGE, POWERS	CAMPAIGN FINANCE	3/15/2000	3/15/2000	36	73
1201	MCELHANY, EPPS	WEAPON POSSESSION BY A FELON	5/19/2000	7/1/2000	155	44
1202	CLAPP, MUSGRAVE	ACCESS TO STUDENT RECORDS	5/26/2000	No SAFETY CLAUSE	245	62
1207	LARSON, WHAM	TREATMENT OF MENTALLY ILL OUT OF STATE	4/19/2000	4/19/2000	130	133
1208	CLAPP, TECK	LAWSUITS AGAINST FIREARMS MANUFACTURERS	5/26/2000	5/26/2000	235	35
1209	PFIFFNER, ANDREWS	EXPAND CAPITAL GAINS MODIFICATION	5/31/2000	No SAFETY CLAUSE	304	204
1211	HOPPE, WATTENBERG	MODIFY SPECIAL FUEL TAX REFUND	3/15/2000	7/1/2000	32	204
1212	HOPPE, DENNIS	COLORADO BEEF COUNCIL AUTHORITY	5/12/2000	5/12/2000	146	2
1214	DECKER, SULLIVANT	PENALTY FOR FIREARMS STRAW PURCHASERS	5/19/2000	7/1/2000	156	44
1215	GOTLIEB, ARNOLD	STATE CONTRIBUTIONS FOR GROUP BENEFITS	6/2/2000	7/1/2000	379	112
1216	LAWRENCE, ARNOLD	CRIMINAL PROCEDURAL LAWS	4/24/2000	4/24/2000	131	45

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1218	SALIMAN, REEVES	MOBILE HOME OWNER NOTIFICATION	3/17/2000	7/1/2000	43	191
1219	DECKER, DENNIS	SCHOOL ACCREDITATION & ASSESSMENTS	VETOED			63
1222	BACON, MATSUNAKA	SCHOOL DIST CRITICAL SHORTAGE HIRINGS	6/1/2000	7/1/2000	332	64
1224	TAYLOR, LACY	CREATION OF COLORADO TOURISM OFFICE	5/22/2000	5/22/2000	164	113
1225	KING, OWEN	DEFINED COMP PLAN FOR DEFERRED COMP	4/7/2000	4/7/2000	105	114
1226	FAIRBANK, HILLMAN	LIQUOR LICENSED DRUGSTORE CONVERSION	3/16/2000	3/16/2000	40	184
			5/31/2000	PORTIONS ON 7/1/2000 AND 7/1/2001	297	166
1227	KING, CONGROVE	MOTOR VEHICLE REGISTRATION FEES	6/3/2000	NO SAFETY CLAUSE	387	75
	McPHERSON, CHLOUBER	GOV CAND SELECTS LIEUT GOV CAND	BECAME LAW			
1229						
1232	STENGEL, SULLIVANT	SEX OFFENDER DATABASE ON INTERNET	5/23/2000	5/23/2000	173	45
1234	MITCHELL, HILLMAN	DEATH PENALTY AGGRAVATOR	4/11/2000	NO SAFETY CLAUSE	110	46
1235	LEE, ARNOLD	FINGERPRINTING OF JUVENILES	5/19/2000	5/19/2000	161	16
		HABITUAL SEX OFFENDERS AGAINST CHILDREN	3/30/2000	NO SAFETY CLAUSE	78	46
1239	PFIFFNER, ARNOLD					
	CHAVEZ,		3/29/2000	3/29/2000	72	17
1240	PERLMUTTER	INSPECTION OF JUV DELINQUENCY RECORDS				
		PARENTAL CONSENT FOR FIREARMS FOR MINORS	5/19/2000	7/1/2000	157	46
1243	LEE, TECK					
		SAFETY STANDARDS FOR BODY ART FACILITIES	5/23/2000	5/23/2000	184	127
1246	TUPA, EPPS					
	FAIRBANK,		5/19/2000	7/1/2000	158	46
1247	SULLIVANT	PERMITTING JUVENILE TO POSSESS HANDGUN				
1249	PASCHALL, ANDREWS	STRENGTHEN THE MARRIAGE RELATIONSHIP	5/26/2000	5/26/2000	233	17
1251	ALLEN, ARNOLD	MAGNET SCHOOL PLANNING BOARD	3/24/2000	7/1/2000	64	64
1254	GOTLIEB, WHAM	CRIMINAL OFFENDER TREATMENT PROGRAMS	3/29/2000	7/1/2000	74	32

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1255	ALEXANDER, CHLOUBER	DOW RAFFLE DEER, ELK, ANTELOPE LICENSES	6/1/2000	6/1/2000	328	171
1256	JOHNSON, EPPS	HOME HEALTH SERVICES PILOT PROGRAM	5/30/2000	7/1/2000	291	142
1257	PIFFNER, CONGROVE	POLLUTION CONTROL TAX PROVISIONS	5/31/2000	NO SAFETY CLAUSE	305	205
1258	TATE, PHILLIPS	SUNSET REVIEW OF ACCOUNTANTS	6/1/2000	7/1/2000	329	185
1259	McPHERSON, TECK	REDUCE STATE SALES & USE TAX RATE	5/31/2000	5/31/2000	298	206
1260	DEAN, LACY	EXONERATING PERSONS EXECUTING BAIL BONDS	4/7/2000	NO SAFETY CLAUSE	104	47
1261	JOHNSON, ANDERSON	STATE PARKS BOARD FEE-SETTING AUTHORITY	6/1/2000	NO SAFETY CLAUSE	333	171
1262	KAUFMAN, LAMBORN	UNIFORM CHILD-CUSTODY JURISDICTION ACT	6/1/2000	7/1/2000	320	17
			5/25/2000	PORTIONS ON	215	47
1263	TOOL, EVANS	DOMESTIC VIOLENCE OFFENDER MANAGEMENT		7/1/2000 AND 1/1/2001		
1264	GEORGE, WHAM	COUNTY COMMISSIONERS COMP	3/31/2000	7/1/2000	96	84
1265	MILLER, DYER	REDEFINE AG BORROWER	4/5/2000	4/5/2000	101	3
1266	BERRY, CHLOUBER	OPTIONAL PREMISES MULTIPLE OWNERSHIP	3/17/2000	NO SAFETY CLAUSE	44	186
1267	JOHNSON, HILLMAN	EXTENDS PET ANIMAL CARE & FACILITIES ACT	5/30/2000	5/30/2000	290	3
1268	McKAY, TECK	PROPERTY TAX ASSESSMENT	6/1/2000	NO SAFETY CLAUSE	314	207
1269	COLEMAN, EPPS	INFO TECHNOLOGY FOR BLIND	6/1/2000	NO SAFETY CLAUSE	315	114
1270	MILLER, CHLOUBER	TAXATION OF MOTOR VEHICLES	VETOED	NO SAFETY CLAUSE		208
1271	MITCHELL, ANDERSON		4/24/2000	NO SAFETY CLAUSE	132	92
		DIVIDE SPECIAL DISTRICTS INTO AREAS				
1274	DEAN, OWEN	TAX EXCLUSION FOR PREPAID TUITION PYMNTS	5/25/2000	NO SAFETY CLAUSE	219	208
1276	DEAN, OWEN	CSOBA RECORDS CONFIDENTIALITY	3/29/2000	3/29/2000	70	69

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1280	BERRY, OWEN	COLO STATE PATROL PREVAILING TOTAL COMP	6/2/2000	No SAFETY CLAUSE	376	114
1283	SINCLAIR, WATTENBERG	FIRE MANAGEMENT	5/26/2000	5/26/2000	272	84
1284	TATE, TANNER	MODIFY HOUSING AUTHORITY LAWS	5/24/2000	No SAFETY CLAUSE	206	87
1286	WEBSTER, CHLOUBER	PROTECTION OF LIVESTOCK	5/30/2000	7/1/2000	289	3
1290	GOTLIEB, WATTENBERG	EXTENSION OF WATER QUALITY PERMIT FEES	3/23/2000	3/23/2000	62	127
1291	KESTER, DENNIS	WAGES DUE UPON EMPLOYEE TERMINATION	4/24/2000	4/24/2000	133	157
1292	KESTER, HILLMAN	CREDIT INSURANCE TRUNCATED COVERAGE	3/17/2000	No SAFETY CLAUSE	45	150
1293	DEAN, PERLMUTTER	WORKERS COMP POWER OF ATTORNEY	3/29/2000	7/1/2000	71	157
1294	MORRISON, EPPS	REGULATION OF RESPIRATORY THERAPISTS	5/26/2000	7/1/2000	273	186
1297	MORRISON, EPPS	ELIMINATION OF CERTAIN AGENCY REPORTS	4/24/2000	No SAFETY CLAUSE	134	115
1298	SWENSON, WEDDIG	SEASONAL AUTO INSURANCE	6/1/2000	No SAFETY CLAUSE	316	150
1300	TOCHTROP, RUPERT	AUDIOLOGISTS & HEARING AID PROVIDERS	5/26/2000	7/1/2000	244	186
1301	VIGIL, DENNIS	PROTECTION OF RACING PURSE TRUSTS	3/31/2000	3/31/2000	90	187
1302	KAUFMAN, MATSUNAKA	LOW-INCOME HOUSING OWNER TAX CREDIT	5/24/2000	No SAFETY CLAUSE	205	208
1304	McELHANY, HILLMAN	BALLOT ISSUE INFORMATION	3/31/2000	No SAFETY CLAUSE	97	75
1305	LEYBA, REEVES	QUALITY OF CARE ADVISORY COMMITTEE	5/24/2000	7/1/2000	201	142
1306	McPHERSON, TECK	BROWNFIELD REDEVELOPMENT INCENTIVES	5/24/2000	1/1/2001	208	127
1307	YOUNG, CHLOUBER	ADVISORY COMMITTEE ON RIVER OUTFITTERS	3/17/2000	7/1/2000	60	187
1309	MITCHELL, TECK	JUNK EMAIL LAW	6/3/2000 BECAME LAW	No SAFETY CLAUSE	388	26

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1310	DEAN, OWEN	UI TAX CREDITS 2001 & 2002	3/16/2000	3/16/2000	41	209
1313	McELHANY, EPPS	VOTING ASSISTANCE AT ELECTIONS	5/26/2000	5/26/2000	243	76
	JOHNSON,		4/18/2000	4/18/2000	127	172
1314	WATTENBERG	ENDANGERED SPECIES REINTRODUCTION				
1315	ALLEN, HILLMAN	STANDARDS FOR RECYCLED WASTEWATER	3/31/2000	3/31/2000	80	128
1317	TOOL, ANDERSON	PROVISIONS AFFECTING SEX OFFENDERS	5/25/2000	7/1/2000	216	47
1318	TAPIA, PERLMUTTER	RELATIVE NOTICE PRIOR TO PLACING KIDS	5/26/2000	NO SAFETY CLAUSE	255	19
1319	TAKIS, WEDDIG	NOTICE OF ELECTION REQUIREMENTS	5/26/2000	NO SAFETY CLAUSE	242	76
1321	SCOTT, SULLIVANT	MATURITY DATE CERTAIN PUB FUNDS	5/24/2000	NO SAFETY CLAUSE	193	116
1322	McKAY, MUSGRAVE	SPECIES INTRODUCTION LIMITS	5/24/2000	5/24/2000	194	172
1323	HOPPE, WATTENBERG	SPECIAL LICENSE PLATE FOR AG & NAT RES	5/26/2000	5/26/2000	256	166
1324	LARSON, DYER	INTERGOVT AGRMT SO UTE ON AIR QUALITY	3/15/2000	3/15/2000	33	116
1325	LARSON, DYER	SO UTE & COLO ENVIRONMTAL COMMN	3/15/2000	3/15/2000	34	128
1326	SCOTT, LAMBORN	UNIFORM PRINCIPAL AND INCOME ACT	5/26/2000	5/26/2000	257	175
	GORDON,		6/1/2000	NO SAFETY CLAUSE	317	49
1330	PERLMUTTER	CRUELTY TO ANIMALS		9/1/2000		
1333	McPHERSON, EPPS	STATE BOARD OF PAROLE	5/26/2000	5/26/2000	234	33
1336	COLEMAN, LINKHART	ACCESS TO ADOPTION RECORDS	5/30/2000	7/1/2000	281	19
1337	TOOL, LACY	SELECTIVE REPEAL OF REPORTS TO GA	6/1/2000	NO SAFETY CLAUSE	318	116
1342	MORRISON, LAMBORN	PIT SERVICES FOR CHILDREN AND YOUTH	5/18/2000	5/18/2000	153	21
		PROHIBITING FRAUD AGAINST AT-RISK ADULTS	5/26/2000	NO SAFETY CLAUSE	258	142
1343	LEYBA, REEVES			1/1/2001		
			5/26/2000	PORTIONS ON	259	187
	SPRADLEY,			7/1/2000 AND		
1345	MUSGRAVE	INSTALLATION OF MANUFACTURED HOMES		7/1/2001		
	SPRADLEY,		5/24/2000	NO SAFETY CLAUSE	203	27
1347	PERLMUTTER	SWEEPSTAKES AND CONTESTS				

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1348	SPRADLEY, OWEN	REFUNDING CONSERVATION EASEMENT CREDIT	5/24/2000	No SAFETY CLAUSE	209	209
1350	BERRY, ANDERSON	PASSENGER TRAMWAYS TAX EXEMPTION	5/26/2000	5/26/2000	260	209
1351	HEFLEY, MUSGRAVE	INCREASE CHILD CARE TAX CREDITS	5/23/2000	5/23/2000	167	210
1352	DEAN, BLICKENS DERFER	LEGISLATIVE APPROPRIATION	4/19/2000	4/19/2000	391	5
1355	KING, TECK	HIGH TECHNOLOGY SCHOLARSHIPS	5/26/2000	No SAFETY CLAUSE	274	69
1358	TOOL, TECK	INTEREST ON DEFERRED REAL PROP TAXES	5/25/2000	5/25/2000	214	210
1361	GEORGE, BLICKENS DERFER	INDIVIDUAL DEVELOPMENT ACCOUNTS	5/31/2000	5/31/2000	306	143
1364	VEIGA, FEELEY	ENCOURAGING SPAYING & NEUTERING OF PETS	VETOED	No SAFETY CLAUSE 1/1/2001		4
1365	HEFLEY, LAMBORN	CLARIFICATION REGARDING MONUMENT DAM	5/23/2000	5/23/2000	168	218
1368	LEE, BLICKENS DERFER	STATE LICENSING OF RES FACILITIES	6/1/2000	6/1/2000	319	128
1371	ALEXANDER, ANDERSON	FAMILIES IN THE COURT SYSTEM	6/1/2000	7/1/2000	366	22
1375	KAUFMAN, LAMBORN	UNIFORM GUARDIANSHIP & PROT PROCEEDINGS	6/1/2000	1/1/2001	368	176
1377	VEIGA, DENNIS	VICTIMS OF CRIME	3/29/2000	3/29/2000	75	50
1381	STENGEL, ANDREWS	DIESEL EMISSIONS TESTING FEE	6/1/2000	No SAFETY CLAUSE 2/1/2001	365	166
1383	DECKER, LAMBORN	AGE OF RETIREMENT FOR WORKERS' COMP	6/1/2000	6/1/2000	364	157
1389	LAWRENCE, WHAM	MEDICAID WAIVER PROGRAM FOR AUTISM	VETOED			145
1391	GOTLIEB, TECK	STUDENT ELECTION JUDGES	5/30/2000	7/1/2000	277	77
1393	RAGSDALE, DYER	SPECIAL LICENSE PLATE WEIGHT INCREASE	6/1/2000	No SAFETY CLAUSE	363	167

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1394	McPHERSON, BLICKENS DERFER	PREVENT VOTER FRAUD	6/1/2000	No SAFETY CLAUSE 1/1/2001	362	77
1395	SMITH, BLICKENS DERFER	INFORMATION POLICY TASK FORCE	5/23/2000	5/23/2000	174	116
1396	TOOL, LACY	SUPPL APPROP DEPT OF AGRICULTURE	3/6/2000	3/6/2000	392	5
1397	TOOL, LACY	SUPPL APPROP DEPT OF CORRECTIONS	3/6/2000	3/6/2000	393	5
1398	TOOL, LACY	SUPPL APPROP DEPT OF EDUCATION	3/6/2000	3/6/2000	394	5
1399	TOOL, LACY	SUPPL APPROP GOV, LT. GOV, & OSPB	3/6/2000	3/6/2000	395	6
1400	TOOL, LACY	SUPPL APPROP DEPT OF HEALTH POLICY & FIN	3/6/2000	3/6/2000	396	6
1401	TOOL, LACY	SUPPL APPROP DEPT OF HIGHER ED	3/6/2000	3/6/2000	397	6
1402	TOOL, LACY	SUPPL APPROP DEPT OF HUMAN SERVICES	3/6/2000	3/6/2000	398	6
1403	TOOL, LACY	SUPPL APPROP JUDICIAL DEPARTMENT	3/6/2000	3/6/2000	399	6
1404	TOOL, LACY	SUPPL APPROP DEPT OF LABOR & EMPLOYMENT	3/6/2000	3/6/2000	400	6
1405	TOOL, LACY	SUPPL APPROP DEPT OF LAW	3/6/2000	3/6/2000	401	7
1406	TOOL, LACY	SUPPL APPROP DEPT OF MILITARY AFFAIRS	3/6/2000	3/6/2000	402	7
1407	TOOL, LACY	SUPPL APPROP DEPT OF NATURAL RESOURCES	3/6/2000	3/6/2000	403	7
1408	TOOL, LACY	SUPPL APPROP DEPT OF PERSONNEL	3/6/2000	3/6/2000	404	7
1409	TOOL, LACY	SUPPL APPROP DEPT OF PUB HEALTH & ENVIR	3/6/2000	3/6/2000	405	7
1410	TOOL, LACY	SUPPL APPROP DEPT OF PUBLIC SAFETY	3/6/2000	3/6/2000	406	7
1411	TOOL, LACY	SUPPL APPROP DEPT OF REG AGENCIES	3/6/2000	3/6/2000	407	7
1412	TOOL, LACY	SUPPL APPROP DEPT OF REVENUE	3/6/2000	3/6/2000	408	8
1413	TOOL, LACY	SUPPL APPROP DEPT OF STATE	3/6/2000	3/6/2000	409	8
1414	TOOL, LACY	SUPPL APPROP DEPT OF TRANSPORTATION	3/6/2000	3/6/2000	410	8

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1415	TOOL, LACY	SUPPL APPROP TREASURY DEPT	3/6/2000	3/6/2000	411	8
1416	TOOL, LACY	SUPPL APPROP CAPITAL CONST	3/12/2000	3/12/2000	412	8
1417	SMITH, WATTENBERG	FEES FOR MINING RECLAMATION	5/26/2000	7/1/2000	261	172
1418	MAY, TECK	COMM & INFO TECHNOLOGY COMMITTEE	VETOED			117
1419	YOUNG, DENNIS	CWCB CONSTRUCTION FUND PROJECTS	6/1/2000	6/1/2000	360	218
	McELHANY,		5/26/2000	5/26/2000	262	189
1420	WATTENBERG	RESORT COMPLEX LIQUOR LICENSE				
1421	SPRADLEY, DENNIS	DUTIES OF COMM CORR PROGRAM AGENTS	3/29/2000	3/29/2000	73	33
			5/30/2000	NO SAFETY CLAUSE	282	50
1422	LEYBA, PERLMUTTER	ANIMAL CRUELTY PREVENTION FUND		9/1/2000		
1426	HEFLEY, EVANS	DRIVING UNDER RESTRAINT	5/23/2000	7/1/2000	169	167
1427	WEBSTER, OWEN	SMART GROWTH	5/24/2000	NO SAFETY CLAUSE	207	118
		FUNDING SPECIES CONSERVATION TRUST	5/16/2000	5/16/2000	151	172
1429	HOPPE, TECK	FUND				
		CREATE ADVANCED TECHNOLOGY FUND FOR	6/1/2000	6/1/2000	321	70
1430	STENGEL, TECK	CCHE				
		WATER & WASTEWATER FACILITY	5/23/2000	5/23/2000	185	129
1431	SCOTT, DENNIS	OPERATORS				
1432	BERRY, LACY	SUICIDE PREVENTION PROGRAMS	6/2/2000	NO SAFETY CLAUSE	383	130
1433	KAUFMAN, LAMBORN	FIDUCIARY TRANSACTIONS	5/26/2000	5/26/2000	263	178
1434	McELHANY, TEBEDO	REPORTING TO THE GENERAL ASSEMBLY	6/1/2000	NO SAFETY CLAUSE	323	118
1437	GEORGE, CHLOUBER	RURAL TRANSPORTATION AUTHORITIES	5/26/2000	NO SAFETY CLAUSE	264	216
	TAYLOR,		6/1/2000	6/1/2000	322	219
1438	WATTENBERG	CWCB CONDITIONAL WATER RIGHT REPEAL				
	TAYLOR,		5/22/2000	NO SAFETY CLAUSE	165	211
1439	WATTENBERG	VALUATION OF PRODUCING MINES				
1440	PIFFNER, HILLMAN	TAXATION RELATING TO THE INTERNET	5/23/2000	NO SAFETY CLAUSE	176	211

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGEST PAGE
1446	McPHERSON, HILLMAN	HOST HOME PROVIDER EXCLUSION	6/1/2000	No SAFETY CLAUSE	313	157
1448	STENGEL, WATTENBERG	DOW LICENSE FEE INCREASE	5/30/2000	5/30/2000	293	173
1451	TOOL, LACY	LONG APPROPRIATIONS BILL	4/28/2000 PORTIONS VETOED	4/28/2000	413	9
1452	TOOL, LACY	GEN FUND TRANSFER TO CAP CONST FUND	5/26/2000	5/26/2000	414	120
1455	LEYBA, WHAM	RAISE PENALTIES ON CHILD LABOR VIOLATORS	6/1/2000	7/1/2000	309	1455
1456	PASCHALL, WATTENBERG	NOTIFY NAMED INSURED PARTIES	6/1/2000	No SAFETY CLAUSE	310	150
1457	MACE, WHAM	OLD AGE PENSION WORK INCENTIVE PROGRAM	5/24/2000	5/24/2000	211	145
1458	DEAN, OWEN	PERA BENEFIT CHANGES	5/23/2000	PORTIONS ON 6/1/2000, 7/1/2000, 1/1/2001, AND 3/1/2001	186	120
1460	HOPPE, HILLMAN	DEPT OF NATURAL RESOURCES DIVISIONS	5/17/2000	7/1/2000	152	173
1463	GROSSMAN, BLICKENS DERFER	REVISOR'S BILL	6/1/2000	No SAFETY CLAUSE	369	195
1464	ALLEN, OWEN	HIGHER ED ADMISSIONS & BASIC SKILLS	6/1/2000	6/1/2000	308	71
1465	SCOTT, SULLIVANT	FINANCIAL MANAGEMENT OF DOMESTIC INS	6/1/2000	No SAFETY CLAUSE 8/15/2000	356	151
1466	STENGEL, BLICKENS DERFER	INSURANCE FRAUD	6/1/2000	6/1/2000	357	151
1467	STENGEL, TEBEDO	DIRECT RECORD ELECTRONIC VOTING MACHINES	6/1/2000	7/1/2000	355	78

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGEST PAGE
1468	PASCHALL, LAMBORN	PROHIBIT USE OF FETAL TISSUE	5/26/00	No SAFETY CLAUSE	240	130
		REDUCE TAX ON GREYHOUND RACE	VETOED			211
1470	McPHERSON, LACY	PROCEEDS				
1472	GEORGE, POWERS	PUBLIC DISCL OF ELEC ACT BY ISSUE COMM	6/1/2000	6/1/2000	354	78
	McPHERSON,		6/1/2000	6/1/2000	358	212
1473	LAMBORN	VALUATION OF PUBLIC UTILITIES				
1474	LARSON, DENNIS	COGCC FINANCIAL ASSURANCE MONEYS	5/24/2000	5/24/2000	200	173
1475	TOOL, LACY	RATE OF REIMBURSEMENT TO FQHCs	6/1/2000	6/1/2000	361	145
			6/1/2000	No SAFETY CLAUSE	330	152
1478	DEAN, WHAM	PROSTHETIC COVERAGE PARITY		1/1/2001		
			6/1/2000	No SAFETY CLAUSE	371	212
1479	MAY, DENNIS	EXCISE TAX ON GASOLINE & SPECIAL FUEL		10/1/2000		
1481	GEORGE, POWERS	ENVIRONMENTAL SELF-AUDIT PILOT PROJECT	5/30/2000	5/30/2000	283	131
1482	MITCHELL, ARNOLD	LOCAL IMPROVEMENT DISTRICTS	6/2/2000	No SAFETY CLAUSE	380	85
	LARSON,		5/30/2000	7/1/2000	284	173
1483	WATTENBERG	PREDATOR MANAGEMENT PLAN BY DOW				
1486	TAYLOR, DYER	PETROLEUM STORAGE TANK FUND	5/30/2000	5/30/2000	285	158
	WILLIAMS T.,		5/25/2000	7/1/2000	220	28
1489	BLICKENS DERFER	DOMESTIC AND FOREIGN ENTITIES				
1490	GEORGE, POWERS	MODIF OF SB 97-1 DIVERSION	6/1/2000	6/1/2000	359	217
1491	ALEXANDER, EPPS	AUTHORIZE GF APPROP FOR VETS CEMETERY	6/1/2000	6/1/2000	367	159
		CLEAN SCREEN IN ENHANCED PROGRAM	VETOED			167
1492	PASCHALL, WHAM	AREA				

Table of Enacted Senate Bills -- 2000

BIL L NO.	PRIME SPONSOR	SHORT TITLE	GOVERNO R'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGES T PAGE
002	LEE, TEBEDO	JURY SELECTION AND SERVICE	3/10/2000	No SAFETY CLAUSE	14	34
		PROPERTY EXEMPT IN DEBT COLLECT	5/23/2000	5/23/2000	172	34
003	SMITH, PERLMUTTER	ACTIONS				
		PERFORMANCE GRANT PROGRAM FOR	REFERENDUM	REFERENDUM	389	51
004	KAUFMAN, MATSUNAKA	SCHOOLS				
009	LARSON, OWEN	CONDUCT OF ADMINISTRATIVE LAW JUDGES	3/31/2000	No SAFETY CLAUSE	84	98
			5/30/2000	PORTIONS ON 5/30/2000, 7/1/2000 AND 7/1/2001	278	160
011	GOTLIEB, LAMBORN	MVD LICENSES AND ID CARDS				
012	McKAY, MUSGRAVE	DEREGULATE RETAIL TELECOM SERVICES	4/14/2000	4/14/2000	119	192
		VIDEOTAPED STATEMENT HEARSAY	4/13/2000	4/13/2000	118	37
014	HEFLEY, EPPS	EXCEPTION				
015	SWENSON, POWERS	ELECTRONIC MOTOR VEHICLE TITLES	6/1/2000	7/1/2001	343	160
016	LARSON, DENNIS	OIL & GAS COMMISSION PERSONNEL	5/23/2000	7/1/2000	180	169
017	MAY, BLICKENS DERFER	AUTO DEALERS OFF-SITE BOOKS & RECORDS	3/17/2000	No SAFETY CLAUSE	49	179
			5/26/2000	PORTIONS ON 7/1/2000 AND 1/1/2001	241	161
018	GOTLIEB, DYER	CONTINUE IGNITION INTERLOCK PROGRAM				
019	ALEXANDER, WHAM	CONSOLIDATED CHILD CARE SERVICES	5/24/2000	7/1/2000	196	135
020	LAWRENCE, LINKHART	INCLUDE KIDS IN SCHOOL-BASED CLINICS	6/1/2000	6/1/2000	348	135
021	McPHERSON, DENNIS	FUGITIVE LOCATION AND APPREHENSION	4/12/2000	4/12/2000	113	93
022	ALEXANDER, TEBEDO	INSPECTIONS OF CHILD CARE FACILITIES	5/26/2000	5/26/2000	266	136

BIL L NO.	PRIME SPONSOR	SHORT TITLE	GOVERNO R'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGES T PAGE
023	HOPPE, ANDERSON	HAZARD SUBSTANCE INCIDENT REIMBURSEMENT	5/26/2000	5/26/2000	221	87
024	MORRISON, NICHOL	JUVENILES AND MISDEMEANOR SEX OFFENSES	4/17/2000	7/1/2000	125	37
029	YOUNG, HILLMAN	NUISANCE SUITS AGAINST AG OPERATIONS	3/29/2000	NO SAFETY CLAUSE 9/1/2000	66	2
033	HOPPE, DENNIS	SAFE DRINKING WATER ACT EXEMPTIONS	3/16/2000	3/16/2000	42	122
035	WILLIAMS T., OWEN	INSURANCE COMPANY INVESTMENT PLANS	4/18/2000	NO SAFETY CLAUSE	129	146
039	SPENCE, EVANS	BUILDING SECURITY TECHNOLOGY FUNDS	3/31/2000	3/31/2000	81	51
042	GOTLIEB, SULLIVANT	COUNCIL FOR PERSONS WITH DISABILITIES	VETOED	NO SAFETY CLAUSE		93
043	SPRADLEY, CHLOUBER	D & N TRIALS	3/10/2000	7/1/2000	15	10
044	SCOTT, REEVES	TREASURER'S TECHNICAL ASSIST PROGRAM	5/24/2000	NO SAFETY CLAUSE	210	93
047	LEYBA, ANDERSON	STD SCREENING FOR MENTALLY ILL OFFENDERS	3/29/2000	3/29/2000	67	37
049	TATE, FEELEY	SPECIAL ED CHILDREN WITH DISABILITIES	5/26/2000	NO SAFETY CLAUSE	222	51
050	LAWRENCE, EPPS	JUVENILE BOOT CAMP EXTENSION	5/26/2000	5/26/2000	223	10
051	SPRADLEY, TEBEDO	CHILD CARE OMNIBUS	3/10/2000	5/14/2000	16	136
053	MACE, MUSGRAVE	REGULATION OF SCHOOL BUSES	3/9/2000	3/9/2000	7	162
054	LAWRENCE, PASCOE	ORGAN & TISSUE REGISTRY	5/23/2000	7/1/2000	175	162
055	SMITH, WATTENBERG	LOCAL MINERAL IMPACT FUND	3/31/2000	NO SAFETY CLAUSE	92	169
057	McPHERSON, HILLMAN	UNCLAIMED PROPERTY TRUST FUND	4/13/2000	NO SAFETY CLAUSE	114	190
058	HOPPE, DYER	PRIVATE OCC ED EXEMPT PROGRAMS	3/31/2000	3/31/2000	91	179
061	YOUNG, ANDERSON	CCHE NONPROFIT TECH RESEARCH AUTHORITY	4/13/2000	4/13/2000	117	65
062	TUPA, ARNOLD	CRIM HIST RECORD CHECKS FOR CHILD CARE	6/1/2000	7/1/2000	349	94
064	SPENCE, ARNOLD	EXTENDING THE STUDENT LOAN ENTERPRISE	3/10/2000	3/10/2000	12	65
065	SALIMAN, OWEN	REFINANCING TANF	4/14/2000	4/14/2000	123	137

BIL L NO.	PRIME SPONSOR	SHORT TITLE	GOVERNO R'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGES T PAGE
066	LARSON, TECK	EMPLOYEE LEASING COMPANY LIENS	3/29/2000	NO SAFETY CLAUSE	68	190
067	SALIMAN, OWEN	COLO WORKS FUNDING	3/31/2000	3/31/2000	93	137
068	TOOL, CHLOUBER	WORK COMP BURIAL EXPENSE INCREASE	4/17/2000	4/17/2000	124	153
		PAYMENT TO FAMILIES UPON EMPLOYEE	5/24/2000	5/24/2000	197	153
069	TOOL, CHLOUBER	DEATH				
071	MORRISON, ANDERSON	USE OF TOBACCO MONEYS	5/18/2000	5/18/2000	154	94
072	TAYLOR, REEVES	SALES TAX DATA & COLLECTIONS	4/14/2000	NO SAFETY CLAUSE	120	196
073	TOOL, LACY	REPEAL FEDERAL MANDATES ACT	3/9/2000	NO SAFETY CLAUSE	8	98
074	TOOL, LACY	TOBACCO SETTLEMENT DEFENSE ACCOUNT	5/23/2000	5/23/2000	181	98
075	TOOL, LACY	CUSTODIAL MONEYS RECEIVED BY AG	3/31/2000	3/31/00	83	99
077	LARSON, REEVES	POST BOARD MATTERS	3/10/2000	3/10/2000	17	99
078	MITCHELL, ARNOLD	BROOMFIELD IN THE 17TH JUD DIST	3/30/2000	NO SAFETY CLAUSE	79	34
080	SPRADLEY, PERLMUTTER	UNFAIR BUSINESS PRACTICES PROTECTION	3/30/2000	3/30/2000	76	24
084	SPENCE, CHLOUBER	MULTISTATE LOTTERY GAMES	REFERENDUM	REFERENDUM	390	100
085	DEAN, DENNIS	STATE GRANTS FOR LIBRARIES	5/26/2000	5/26/2000	275	100
086	LARSON, HILLMAN	WITHDRAWAL OF CCIA FROM RISK MGMT	3/31/2000	7/1/2000	94	101
087	GOTLIEB, EPPS	UNDER 21 BREATH TEST ONLY FOR ALCOHOL	5/12/2000	5/12/2000	145	163
088	ALEXANDER, EPPS	COLO MEDICAID PROGRAM	4/13/2000	4/13/2000	116	138
092	LEYBA, LINKHART	PROBATION SUPERVISION FEES	5/26/2000	5/26/2000	224	38
093	PASCHALL, NICHOL	NOTIFY SECURED LENDERS OF TOW LIENS	3/31/2000	NO SAFETY CLAUSE	99	163
094	MORRISON, EPPS	CONTINUING EDUCATION FOR PHARMACISTS	5/26/200	5/26/2000	267	179
095	GEORGE, WATTENBERG	ACCESS TO EYE CARE COVERAGE	3/27/2000	3/27/2000	65	146
		MAINTAIN SCHOOL STRUCTURES AND	3/30/2000	NO SAFETY CLAUSE	77	52
098	SCOTT, SULLIVANT	GROUND	3/31/2000	NO SAFETY CLAUSE	87	179
101	MORRISON, REEVES	MENTAL HEALTH DISCIPLINARY PROCEEDINGS		2/1/2001		

BIL L NO.	PRIME SPONSOR	SHORT TITLE	GOVERNO R'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGES T PAGE
103	GEORGE, FEELEY	CREATE COLO COMMISSION ON FAIR TAXATION	4/14/2000	NO SAFETY CLAUSE	121	196
106	TAYLOR, OWEN	INSURANCE DEREGULATION	4/24/2000	NO SAFETY CLAUSE	135	146
117	MITCHELL, DENNIS	DEPENDENT TUITION ASSISTANCE	6/1/2000	6/1/2000	352	65
119	DEAN, BLICKENS DERFER	REDISTRICTING	5/30/2000	5/30/2000	286	82
120	KAUFMAN, PERLMUTTER	RULE REVIEW BILL	5/10/2000	5/10/2000	142	1
121	MITCHELL, LAMBORN	DNA TESTING OF CONVICTED FELONS	5/26/2000	5/26/2000	268	38
122	DEAN, LACY	LIMITED GAMING FUND DISTRIBUTIONS	VETOED	6/30/2000		179
124	TAPIA, ANDREWS	READ-TO-ACHIEVE PROGRAM	6/2/2000	6/2/2000	373	52
125	OWEN, TOOL	CBI FIREARMS BACKGROUND CHECK SYSTEM	3/7/2000	3/7/2000	5	101
127	SPRADLEY, CHLOUBER	REPEAL OF 8-HOUR DAYS AT CEMENT PLANTS	3/17/2000	3/17/2000	50	153
128	DEAN, LACY	NURSING FACILITY MEDICAID REIMBURSEMENT	6/2/2000	6/2/2000	382	139
129	LARSON, DYER	DEREGULATION OF RAILROAD FARES	3/29/2000	3/29/2000	69	192
130	KESTER, HILLMAN	EXPANSION OF THE CREDIT INSURANCE ACT	3/17/2000	NO SAFETY CLAUSE	52	147
132	MILLER, WEDDIG	CONSUMER REPORTING AGENCY INFORMATION	5/26/2000	NO SAFETY CLAUSE 1/1/2001	225	180
133	GOTLIEB, ARNOLD	SAFE SCHOOLS	6/2/2000	6/2/2000	374	53
135	LARSON, ARNOLD	STATE COMMUNICATIONS SYSTEMS	5/23/2000	5/23/2000	182	102
136	MITCHELL, NICHOL	CENTRAL REGISTRY FOR CHILD PROTECTION	6/1/2000	6/1/2000	353	10
137	LAWRENCE, WHAM	MEMBERS CAP BLDG ADV COMMITTEE	5/26/2000	5/26/2000	226	103
138	DEAN, SULLIVANT	INTERNAL APPEALS FOR PPOs UNDER NO FAULT	3/31/2000	7/1/2000	88	147
140	LAWRENCE, ANDERSON	YOUTHFUL OFFENDER SYSTEM	5/26/2000	5/26/2000	227	29
141	LAWRENCE, WHAM	ENFORCEMENT AUTHORITY OF CAP ADV COMM	4/17/2000	4/17/2000	126	103

BIL L NO.	PRIME SPONSOR	SHORT TITLE	GOVERNO R'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGES T PAGE
144	SPRADLEY, OWEN	DEFERRED DEPOSIT LOAN ACT	4/18/2000	7/1/2000	128	24
			6/1/2000	PORTIONS ON 7/1/2000 AND 9/1/2000	350	11
145	KAUFMAN, REEVES	SUPPORT OBLIGATIONS				
146	McKAY, MUSGRAVE	ORIGINAL PLATES ON ANTIQUE VEHICLES	5/26/2000	NO SAFETY CLAUSE	236	163
148	McPHERSON, EVANS	PHYSICIANS' FREEDOM TO PRACTICE	5/26/2000	NO SAFETY CLAUSE	238	148
154	McPHERSON, TEBEDO	DEFENSES TO WEAPONS LAWS	5/26/2000	NO SAFETY CLAUSE	228	38
156	SMITH, DENNIS	AVIATION FUND DISTRIBUTION	5/26/2000	7/1/2000	276	196
158	GEORGE, WHAM	CO VETERANS' MONUMENT TRUST FUND	5/23/2000	5/23/2000	187	103
		LOCAL CONTROL OVER HIRING ADMINISTRATORS	5/26/2000	5/26/2000	237	55
160	CLAPP, EVANS					
163	GEORGE, DYER	DRUG COURT DEMONSTRATION PROGRAMS	5/4/2000	5/4/2000	140	38
164	McELHANY, LAMBORN	CSOBA	5/26/2000	5/26/2000	269	66
170	JOHNSON, TANNER	APPROPRIATION FOR HISTORIC DEARFIELD	6/1/2000	6/1/2000	341	103
			6/3/2000 BECAME LAW	6/3/2000	384	13
171	BERRY, TANNER	ABANDONED CHILDREN				
172	KAUFMAN, EVANS	TITLE SETTING PROCEDURES	6/1/2000	NO SAFETY CLAUSE	339	72
174	McKAY, MUSGRAVE	WORKERS' COMPENSATION PREMIUMS	VETOED			153
176	KESTER, BLICKENS DERFER	CO ED & CUL FAC AUTH ACT ENTITIES ELIG	4/13/2000	4/13/2000	115	67
177	MITCHELL, ANDERSON	HAZARDOUS WASTE COMMISSION	5/26/2000	7/1/2000	239	122
			5/16/2000	PORTIONS ON 7/1/2000, 1/1/2001, AND 7/1/2001	149	123
180	YOUNG, WHAM	EMERGENCY MEDICAL & TRAUMA SERVICES				
		FUNDING K-12 CAPITAL CONSTRUCTION NEEDS	5/9/2000	7/1/2000	141	55
181	GEORGE, WHAM					
183	McPHERSON, FEELEY	COLORADO INSTITUTE OF TECHNOLOGY	3/8/2000	NO SAFETY CLAUSE	6	68

BIL L NO.	PRIME SPONSOR	SHORT TITLE	GOVERNO R'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGES T PAGE
184	LEE, EVANS	UNDERGROUND FACILITY DAMAGE PREVENTION	5/23/2000	5/23/2000	170	154
185	HAGEDORN, PHILLIPS	SENIOR ASSISTANCE GRANT ELIGIBILITY	5/26/2000	5/26/2000	249	197
186	ALLEN, ANDERSON	EDUCATION REFORM	4/10/2000	4/10/2000	107	56
187	TOOL, LACY	ELIM STATE PENSION OBLIG NOTES	3/31/2000	3/31/2000	89	104
189	DENNIS, SPENCE	DISCLOSURE TO GRAND JURY WITNESSES	4/14/2000	4/14/2000	122	39
190	KAUFMAN, FEELEY	METHYL TERTIARY BUTYL ETHER (MTBE)	5/23/2000	NO SAFETY CLAUSE 9/1/2000	183	125
191	GEORGE, ANDERSON	COMPACT ON ADULT OFFENDERS	4/10/2000	4/10/2000	108	104
192	DEAN, LACY	PRETRIAL SERV PROGRAM BONDING & REPORTS	6/2/2000	6/2/2000	381	39
193	MCPHERSON, TECK	DEPT OF REV ORGANIZATION	6/1/2000	6/1/2000	342	104
194	LARSON, RUPERT	COMMISSION FOR DEAF & HARD OF HEARING	6/1/2000	6/1/2000	340	105
195	ALLEN, CHLOUBER	ASSESSMENTS OF PROFESSIONAL COMPETENCIES	5/26/2000	5/26/2000	251	58
196	GEORGE, WATTENBERG	UTILITY SERVICE FOR SUBDIVISIONS	6/1/2000	7/1/2000	338	192
197	GEORGE, WATTENBERG	UTILITY SITING OF ELECTRICAL FACILITY	6/1/2000	7/1/2000	335	'92
202	HILLMAN, MCELHANY	RECIPROCAL INSURER TAX ON PREMIUMS	6/1/2000	6/1/2000	337	148
203	GEORGE, POWERS	UTIL RELOCATE FOR DESIGN-BUILD PROJECTS	6/1/2000	6/1/2000	336	214
204	LAWRENCE, WHAM	WHEAT RIDGE REGIONAL CENTER	6/1/2000	6/1/2000	347	106
206	SPRADLEY, TEBEDO	USE OF LIMITED GAMING IMPACT FUND MONEYS	6/2/2000	7/1/2000	377	180
207	SALIMAN, LACY	NURSING SCHOLARSHIP PROGRAM	5/26/2000	5/26/2000	250	68
208	MITCHELL, CONGROVE	SEARCH WARRANTS	5/19/2000	7/1/2000	160	39
209	KAUFMAN, LAMBORN	RETIREMENT PLAN INVESTMENT STANDARDS	5/23/2000	NO SAFETY CLAUSE	179	107
210	GEORGE, ANDERSON	JOINT GOVERNMENTAL AGENCIES	6/1/2000	6/1/2000	344	82
211	TOOL, OWEN	STATE EMPLOYEE PAY PLAN	5/26/2000	5/26/2000	252	107

BIL L NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SL CHAPTER	DIGEST PAGE
212	WEDDIG, ALLEN	CEDE JURISDICTION TO BUCKLEY FIELD	6/1/2000	NO SAFETY CLAUSE	346	108
218	KAUFMAN, POWERS	REQUIRING JAIL INMATES TO WORK	5/26/2000	NO SAFETY CLAUSE	253	30
		TRANSFERS TO ECONOMIC DEVELOPMENT	6/1/2000	7/1/2000	345	108
219	TOOL, LACY	OFFICE				
222	LAWRENCE, DENNIS	TRANSFER OF STATE PROPERTY IN PUEBLO	5/30/2000	5/30/2000	279	109
			6/3/2000	6/3/2000	385	139
		CHANGES TO CHILDREN'S BASIC HEALTH				
223	SALIMAN, OWEN	PLAN	BECAME LAW			
		LANDOWNERS & PUBLIC HIGHWAY	6/1/2000	6/1/2000	351	215
225	STENGEL, WATTENBERG	AUTHORITY				
	McPHERSON,	REPEAL MINI GLASS-STEAGALL BANKING	5/26/2000	5/26/2000	254	80
227	WATTENBERG	LAW				
		WILDLIFE HABITAT OPERATION &	5/30/2000	5/30/2000	280	169
230	YOUNG, WATTENBERG	MANAGEMENT				

ADMINISTRATIVE RULE REVIEW

S.B. 00-120 Continuation of 1999 rules of executive agencies - exceptions. Provides for the continuation of the rules and regulations of state agencies that were adopted or amended on or after November 1, 1998, and before November 1, 1999; except that certain rules and regulations shall expire as scheduled on May 15, 2000.

Postpones indefinitely the expiration of the rules and regulations of the public employees' retirement association scheduled to expire on May 15, 2000.

Repeals property tax instructions to assessors of the division of property taxation relating to horse boarding operations.

APPROVED by Governor May 10, 2000

EFFECTIVE May 10, 2000

AGRICULTURE

S.B. 00-29 Agricultural operation - protection from nuisance suits - rebuttable presumption.

States that an agricultural operation that employs methods or practices that are commonly or reasonably associated with agricultural production is not a public or private nuisance. Specifies activities and conditions that do not constitute a public or private nuisance if the agricultural operation employs methods or practices that are commonly and reasonably associated with agricultural production.

States that an agricultural operation shall not be found to be a public or private nuisance if such agricultural operation was established prior to the commencement of the use of the area surrounding such operation for nonagricultural activities if it employs methods or practices that are commonly and reasonably associated with agricultural production. Creates a rebuttable presumption that such agricultural operation is not operating negligently.

Allows a local government to adopt an ordinance or pass a resolution that provides agricultural operations with additional protection.

APPROVED by Governor March 29, 2000

EFFECTIVE September 1, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1031 Pest control districts - procedure to consolidate. Eliminates the requirement of a ballot election to consolidate pest control districts. Requires the board of county commissioners to hold a hearing before acting on a petition to consolidate districts.

APPROVED by Governor March 2, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1212 Colorado beef council authority - fees. Declares that the moneys collected by the state board of stock inspection commissioners for the Colorado beef council authority become fees and not contributions when the federal cattleman's beef promotion and research board ceases to exist. Clarifies that the fees are to be collected when cattle are sold.

Makes the payment of fees applicable to a person who produces and sells beef or beef

products to consumers. Exempts a person who certifies that such person sells cattle only for a fee or commission, certifies that the person acquired ownership of the cattle only to facilitate transfer to a third party, and establishes that the cattle were resold not later than 10 days after such person acquired ownership of the cattle.

Clarifies that the activities of the Colorado beef council authority board are consistent with that of a qualified state beef council for purposes of federal law.

Repeals the ability of a person who has paid a contribution to the state board of stock inspection commissioners for the Colorado beef council authority to receive a refund of such contribution from the authority.

APPROVED by Governor May 12, 2000

EFFECTIVE May 12, 2000

H.B. 00-1265 Agricultural development authority - eligibility - definition of borrower. Expands the definition of "borrower" in the "Colorado Agricultural Development Authority Act" to include all enterprises engaged in agriculture or agricultural processing in Colorado, thereby expanding eligibility for financial assistance under the act.

APPROVED by Governor April 5, 2000

EFFECTIVE April 5, 2000

H.B. 00-1267 Pet Animal Care and Facilities Act - continuation under sunset law - commissioner's authority - scope - licensing fees - criminal acts. Increases the cap on pet animal care facility licensing fees from \$200 to \$250. Changes the term "small dog breeder" to "small scale operation dog breeder" to clarify that the term deals with the size of the operation and not the size of the dog. Changes the term "commercial dog breeder" to "large scale operation dog breeder" to make the term consistent with the "small scale operation dog breeder" characterization.

Exempts from the act any owner, breeder, handler, or trainer while exhibiting or competing at any event licensed, regulated, or sanctioned by the American kennel club, united kennel club, or any other nationally recognized registering organization.

Prohibits the alteration or falsification of certificates of veterinary health or inspection and makes a violation of such prohibition a class 2 misdemeanor. Grants the commissioner of agriculture the authority to inspect facilities to ensure compliance with orders revoking or denying operating licenses upon obtaining consent or a search warrant. Requires the commissioner to deny, revoke, or refuse to renew a license if the holder has been convicted

of animal cruelty that consists of the knowing torture of an animal that needlessly injures, mutilates, or kills an animal.

Extends the automatic termination date of the licensing of pet animal care facilities to July 1, 2009, pursuant to the provisions of the sunset law.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

H.B. 00-1286 Livestock - protection - continuous appropriation. Changes the method of appropriation of moneys from the cervidae disease revolving fund from annual appropriation by the general assembly to continuous appropriation to the state agricultural commission to indemnify owners of alternative livestock or captive wildlife cervidae (deer) destroyed for the control of contagious and infectious diseases.

Eliminates the \$20,000 cap on the amount of money a board of county commissioners may spend to purchase materials and equipment and to employ one or more suitable persons to control coyotes or other injurious predatory animals within such county.

Changes the method of appropriation of moneys from the diseased livestock indemnity fund from annual appropriation by the general assembly to continuous appropriation to the commissioner of agriculture to indemnify any livestock owner whose herd is voluntarily sold for slaughter because it is exposed to brucellosis or another designated disease.

Changes the method of appropriation of moneys from the estray fund from annual appropriation by the general assembly to continuous appropriation to the state board of stock inspection commissioners to indemnify any livestock owner whose stray livestock is sold because the owner could not be identified.

APPROVED by Governor May 30, 2000

EFFECTIVE July 1, 2000

H.B. 00-1364 Pet animal care - spaying and neutering - creation of an authority - special license plate - appropriation. Makes legislative findings concerning spaying and neutering of pets in Colorado, the importance of controlling the overpopulation of pets, and the need for a governmental authority to promote and coordinate efforts in this area.

Creates the pet overpopulation control authority. Describes the duties and powers of the authority. Sets out the membership, terms of members, compensation, and how vacancies of members may be filled. Requires the commissioner of the department of agriculture to

appoint the members of the authority no later than September 1, 2001. Directs the authority to:

- Create an educational campaign for awareness of pet overpopulation;
- Assist with providing spaying and neutering services and facilitating such services;
- Raise funds to facilitate the education and spaying and neutering activities;
- Cooperate with local, state, or national organizations or agencies engaged in similar activities; and
- Enter into contracts to assist with the efforts of the authority.

Allows the authority to collect donations, which will be deposited in a new pet overpopulation control fund and will not revert to the general fund.

Creates the pet overpopulation control special license plate. Requires an animal shelter to submit 250 signatures of persons who want this special license plate before the special license plates are produced. Draws upon the pet overpopulation control fund for startup costs associated with issuance of the special plates. Sets conditions on who may qualify for the overpopulation control special license plate. Provides for an additional one-time fee of \$10 upon initial issuance for the special license plate to be paid into the highway users tax fund. Requires that all taxes, fees, and laws for other special license plates apply to pet overpopulation control special license plates.

Appropriates \$23,100 to the department of revenue for the creation of the special license plate created in this act.

VETOED by Governor May 26, 2000

APPROPRIATIONS

H.B. 00-1352 Legislative appropriation. Provides that chairs of interim committees or their designees who are requested to attend meetings of the legislative council, or the executive committee of the legislative council, shall be allowed a per diem for such attendance.

Appropriates \$26,781,927 to the general assembly and the legislative service agencies for the 2000-01 fiscal year. Specifies that \$90,000 of this sum is from cash funds, \$1,500,000 is from cash funds exempt, and the remainder is from the general fund. Provides that the statutory tax levy on civil actions in 2000-01 will return \$250,000 to the general fund to offset the expenses of the revision of statutes by the office of legislative legal services

With respect to the appropriation for the legislative department for the 1999-2000 fiscal year:

- Reduces the appropriation to the house of representatives and the senate for state computer services by \$25,000 and appropriates such amount for payment of consulting services related to the general assembly's bill information system; and
- Adds a \$1,500,000 cash funds exempt appropriation to the State Auditor's Office for the evaluation of the Colorado works program that was inadvertently left out of last year's bill.

APPROVED by Governor April 19, 2000

EFFECTIVE April 19, 2000

H.B. 00-1396 Supplemental appropriation - department of agriculture. Amends the 1999 general appropriations act to increase the total appropriation to the department of agriculture. Increases the general fund and cash funds portions of the appropriation and decreases the cash funds exempt portion.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1397 Supplemental appropriation - department of corrections. Amends the 1999 general appropriations act to increase the total appropriation to the department of corrections. Increases the general fund and cash funds portions of the appropriation and decreases the cash funds exempt and federal funds portions. Amends the 1998 general appropriation act to adjust the appropriation made to the department of corrections to decrease the appropriation to institutions, housing and security subprogram.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1398 Supplemental appropriation - department of education. Amends the 1999 general appropriations act to increase the total appropriation to the department of education. Increases the general fund and cash funds exempt and decreases the cash funds.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1399 Supplemental appropriation - offices of the governor, Lt governor, and state planning and budgeting. Amends the 1999 general appropriations act to increase the total appropriation to the offices of the governor, Lt. governor, and state planning and budgeting. Increases the general fund portion of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1400 Supplemental appropriation - department of health care policy and financing. Amends the 1999 general appropriations act to decrease the total appropriation to the department of health care policy and financing. Decreases the general fund, cash funds exempt, and federal funds portions of the appropriation. Amends the 1998 general appropriation act to adjust the appropriation to the department of health care policy and financing for indigent care program, disproportionate share payments to hospitals.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1401 Supplemental appropriation - department of higher education. Amends the 1999 general appropriations act to increase the total appropriation to the department of higher education. Increases the general fund, cash funds, and cash funds exempt portions of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1402 Supplemental appropriation - department of human services. Amends the 1999 general appropriations act to increase the total appropriation to the department of human services. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds and federal funds portions. Adds a new footnote

under aging and adult services to provide for funding flexibility of state-funding for senior services. Amends the 1998 general appropriations act to decrease the total appropriation to the department of human services. Adjusts the general fund portion and decreases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1403 Supplemental appropriation - judicial department. Amends the 1999 general appropriations act to increases the total appropriation to the judicial department. Increases the general fund, cash funds, and cash funds exempt portions of the appropriation. Amends the 1998 general appropriations act to increase the general fund appropriation made to alternate defense counsel, conflict of interest contracts.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1404 Supplemental appropriation - department of labor and employment. Amends the 1999 general appropriations act to increase the total appropriation to the department of labor and employment. Increases the cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1405 Supplemental appropriation - department of law. Amends the 1999 general appropriations act to increase the total appropriation to the department of law. Increases the general fund and cash funds exempt portions of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1406 Supplemental appropriation - department of military affairs. Amends the 1999 general appropriations act to increase the total appropriation to the department of military affairs. Increases the general fund and federal funds portions of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1407 Supplemental appropriation - department of natural resources. Amends the

1999 general appropriations act to increase the total appropriation to the department of natural resources. Decreases the general fund, cash funds, and federal funds portions of the appropriation and increases the cash funds exempt portion. Adds a new footnote under oil and gas conservation commission to provide for the funding of the North Washington Water Project.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1408 Supplemental appropriation - department of personnel. Amends the 1999 general appropriations act to decrease the total appropriation to the department of personnel. Decreases the cash funds exempt portion of the appropriation. Adds a new footnote under benefits concerning the defined contribution plans.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1409 Supplemental appropriation - department of public health and environment. Amends the 1999 general appropriations act to increase the total appropriation to the department of public health and environment. Increases the general fund and cash funds exempt portions of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1410 Supplemental appropriation - department of public safety. Amends the 1999 general appropriations act to increase the total appropriation to the department of public safety. Increases the general fund, cash funds exempt, and federal funds portions of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1411 Supplemental appropriation - department of regulatory agencies. Amends the 1999 general appropriations act to increase the total appropriation to the department of regulatory agencies. Increases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1412 Supplemental appropriation - department of revenue. Amends the 1999 general appropriations act to increase the total appropriation to the department of revenue. Decreases the general fund portion of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1413 Supplemental appropriation - department of state. Amends the 1999 general appropriations act to increase the total appropriation to the department of state. Increases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1414 Supplemental appropriation - department of transportation. Amends the 1999 general appropriations act to increase the total appropriation to the department of transportation. Increases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1415 Supplemental appropriation - department of the treasury. Amends the 1999 general appropriations act to increase the total appropriation to the department of the treasury. Increases the general fund portion of the appropriation.

APPROVED by Governor March 6, 2000

EFFECTIVE March 6, 2000

H.B. 00-1416 Supplemental appropriation - capital construction. Increases the 1999-2000 statutory transfer from the general fund to the capital construction fund by \$4,549,202.

Amends the 1996 general appropriation act to add a new footnote to allow \$340,600 of the capital construction appropriation to the department of personnel for telecommunications - microwave equipment replacement, phase 5, to be extended through June 30, 2000. Amends the 1997 general appropriation act to increase the cash funds and cash funds exempt capital construction appropriations to the department of higher education for the environmental learning center. Amends the 1998 general appropriation act to increase the capital construction appropriation to the department of higher education, Colorado historical society, civic center cultural complex street level reconfiguration, phase 1 of 4.

For the 1999-2000 fiscal year, amends the total capital construction appropriation as follows: Adjusts the appropriation from the general fund to the capital construction fund that is then appropriated to the department of transportation for highway projects from \$10,000,000 to \$5,450,798; increases the capital construction fund exempt appropriation to the department of corrections for San Carlos and youth offender services facilities, embedded systems project; modifies a cash funds appropriation to the department of higher education, university of southern Colorado, to allow the appropriation to be used for library electrical enhancement and increases a cash funds exempt appropriation to Morgan community college for the student center; adds a capital construction fund exempt appropriation to the legislative department for capitol security, phase 1; adds a capital construction fund exempt appropriation to the department of local affairs for rural telecommunications grants and deletes a corresponding adjustment to the long bill that was made in separate legislation in the 1999 regular session; increases the total capital construction funding for the department of military affairs, state armories, general maintenance and repair backlog, phase 9 of 9, by adding federal funds; and adds a capital construction appropriation to the department of regulatory agencies for embedded systems project, telephone system upgrade, made up of capital construction fund exempt funds and cash funds.

APPROVED by Governor May 12, 2000

EFFECTIVE May 12, 2000

H.B. 00-1451 General appropriation act - long bill. Makes appropriations for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2000. Sets the grand total for the operating budget at \$12,019,426,147, of which \$5,326,562,599 is from the general fund, \$1,183,576,976 is from cash funds, \$2,924,768,750 is from cash funds exempt, and \$2,584,517,822 is from federal funds.

Appropriates \$535,605,342 for capital construction, of which \$315,514,889 is capital construction fund exempt funds, \$46,373,734 is from cash funds, \$130,736,639 is from cash funds exempt, and \$42,980,080 is from federal funds.

Makes additional changes in appropriations for the 1998-99 and 1999-2000 fiscal years.

APPROVED by Governor April 28, 2000

EFFECTIVE April 28, 2000

PORTIONS VETOED April 28, 2000

CHILDREN AND DOMESTIC MATTERS

S.B. 00-43 Prosecution - dependency or neglect actions - right to hearing before judge. Clarifies that the people of the state of Colorado have the ability to request a hearing before a judge instead of a magistrate in dependency and neglect cases.

Provides that the act applies to dependency and neglect actions filed on and after July 1, 2000.

APPROVED by Governor March 10, 2000

EFFECTIVE July 1, 2000

S.B. 00-50 Regimented juvenile training program - capacity - evaluation - continuation of program - appropriation. Authorizes the regimented juvenile training program ("program") to house fewer than 80 juveniles. Specifies that the department of human services shall pay only for the actual number of juveniles sentenced to the program. Directs the department of human services to contract with the division of criminal justice, within the department of public safety, for an evaluation of the program, to be submitted to the general assembly by January 1, 2001. Extends the repeal date for the program to July 1, 2001.

Appropriates \$30,000 to the department of public safety for the evaluation of the program.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-136 Central registry for child protection - inclusion for convictions of child abuse, sexual assault on a child - expungement of reports. Mandates that the central registry of child protection ("central registry") in the department of human services ("department") contain information concerning not only each case of confirmed child abuse, but also each conviction of child abuse, sexual assault on a child, and sexual assault on a child by one in a position of trust. Directs that the central registry include information contained in the court file relating to convictions for such offenses. Provides that the director of the central registry place the name of a subject who has been convicted of such an offense on the central registry as soon as possible after receiving notice of the conviction and verifying the information with the judicial department or the Colorado bureau of investigation.

Specifies that the director of the central registry, upon receipt of information that a petition in dependency or neglect has not been sustained, verify such information with the judicial department before expunging the report. If the report is not expunged, changes the

period of time within which the director shall so notify the subject of the report from 30 days to as soon as possible.

Requires the director of the central registry to expunge a subject's name if the subject is acquitted of an offense, or if a charge is dismissed, pertaining to a crime of child abuse, sexual assault on a child, or sexual assault on a child by one in a position of trust. Allows the director to request a hearing to reinstate the subject's name on the central registry for acts pertaining to the criminal charge dismissed or the criminal charge of which the subject was acquitted. Requires filing of the request with the division of administrative hearings in the department of personnel within 30 days after the director receives notice of the acquittal or dismissal. Requires the department to show that there is clear and convincing evidence why the subject's name should be reinstated on the central registry as a perpetrator. Specifies that no record of a criminal conviction shall be sealed from access through the central registry unless the conviction is overturned in the criminal court.

Repeals the provision requiring a court, upon acquittal of or conviction under a child abuse charge, to report such information to the director of the central registry. Repeals the provision requiring a court to send written notice to the director of the central registry that a petition in dependency or neglect was not sustained.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

S.B. 00-145 Child support enforcement - liens - income assignments - child support commission - administrative lien and attachment of inmate bank accounts - financial institution data match - driver's license applications - professional and occupational licenses - appropriation. Clarifies that the automatic lien on real property when child support comes due and is not paid shall remain in effect for the life of the judgment, rather than 12 years, or until all past-due amounts are paid.

Makes the following changes to provisions relating to income assignments:

- Makes changes to reflect that support payments are to be made through the family support registry rather than the court;
- Changes references from "notice of income assignment" to "notice to withhold income for support";
- Requires that a certified copy of the support order be attached to such notices, except in cases in which the obligee is receiving child support enforcement services;
- Removes the requirement that such notices contain the obligor's address;

- Modifies what statements the notice to withhold income for support shall include;
- Specifies that, rather than authorizing the withholding entity to extract a processing fee of up to \$5, the withholding entity may deduct a fee to defray the cost of withholding in accordance with the laws of the governing state and that, for Colorado, the fee may be \$5 or less;
- Changes the termination of an income assignment from the time when the court order for support is terminated to the time when all current maintenance when included in the child support order, past due support, past due maintenance when included in the child support order, child support debt, medical support, current monthly child support, current maintenance, and past due maintenance and processing fees, if any, owed under the order are paid in full;
- Requires an employer, trustee, or other payor of funds to include with the first disbursement under an income assignment an indication whether dependent health insurance coverage is available to the obligor and whether the obligor has elected to enroll the subject dependents, but no longer requires each notice to withhold income for support to include such statement;
- Specifies that the employer shall not be required to collect, possess, or control the obligor's tips in fulfilling the employer's obligations under the income assignment, but no longer requires the notice to withhold income for support to include such statement;
- Specifies that a person submitting a fraudulent notice to withhold income for support to an employer, trustee, or other payor of funds shall be subject to a fine of not less than \$1,000, court costs, and attorney fees; and
- Specifies those situations in which the employer, trustee, or other payor of funds is required to provide a copy of the notice to withhold income for support to the obligor.

Requires the child support commission to study certain issues including the merits of a statutory time limitation or other such time-limiting provision on the enforcement of support judgments and the merits of support judgments arising automatically by law.

Authorizes a county to pay families eligible for temporary assistance to needy families an amount that is equal to the state and county shares of child support collections. Specifies that such payments shall not be considered income for the purpose of the grant calculation, but shall be considered income for purposes of determining eligibility.

Authorizes the state child support enforcement agency or a delegate child support enforcement unit to issue a notice of administrative lien and attachment to the department of

corrections or its agent having custody or control of inmate bank accounts in order to withhold funds from the account of a state prisoner who is an obligor responsible for the support of a child. Makes such administrative lien provision effective September 1, 2000, and only if House Bill 00-1169 is enacted.

Makes the following changes to the financial institution data match process:

- Authorizes an agent of the state department to work with financial institutions in designing and implementing the data match programs;
- Authorizes an agent of the state department to enter into agreements with financial institutions for the purposes of conducting data matches;
- Specifies that the data match be performed by the financial institution;
- Permits, rather than requires, the financial institution to apply any assets it holds on behalf of a delinquent child support obligor to the balance of any amounts owed by such obligor to the financial institution prior to surrendering such assets to the state department;
- Provides that the financial institution shall be entitled to a reasonable fee for fulfilling the data match requirements, rather than reimbursement for the costs associated with designing and implementing the system.

Requires applications for driver's, minor driver's, or provisional driver's licenses to include the applicant's social security number. Allows an applicant for a license who does not have a social security number to submit an affidavit stating such. Directs the department of revenue to automatically stop including social security information on the applications if federal law changes to prohibit the collection of social security numbers on driver's license applications.

Allows an applicant for a professional, occupational, commercial driver's, or marriage license who does not have a social security number to submit an affidavit stating such.

Appropriates \$54,810 and 1.0 FTE to the department of corrections for the implementation of the act conditioned on House Bill 00-1169 not becoming law, or if House Bill 00-1169 is enacted without including an appropriation of \$72,215 and 1.0 FTE. Adjusts the appropriation in the general appropriation act.

APPROVED by Governor June 1, 2000

PORTIONS EFFECTIVE July 1, 2000
September 1, 2000

NOTE: House Bill 00-1169 was signed by the Governor on May 26, 2000, and included the \$72,215 appropriation.

S.B. 00-171 Affirmative defense to child abuse for abandoned children - duty of firefighters and hospital members - reports by county department of social services and state department of human services regarding abandoned children. Creates an affirmative defense to the crime of child abuse. Allows a defendant accused of permitting a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health to affirmatively defend himself or herself if:

- The defendant voluntarily delivered the child to a firefighter or hospital staff member, when such firefighter was at a fire station or such hospital staff member was at a hospital; and
- The child was 72 hours old or younger at the time of abandonment.

Places a duty upon firefighters and hospital staff members to take temporary physical custody of a child, 72 hours old or younger, who is voluntarily delivered to them by a person who does not express an intent to return for the child. Mandates that if a firefighter or hospital staff member takes temporary physical custody of such child that the firefighter or hospital staff member:

- Perform any act necessary, in accordance with generally accepted standards of professional practice, to protect, preserve, or aid the physical health or safety of the child during the temporary physical custody; and
- Notify a law enforcement officer about the abandonment within 24 hours after the abandonment.

Absolves a firefighter or hospital staff member of any civil or criminal liability for any good faith actions or omissions. Requires a law enforcement officer to take such an abandoned child into temporary custody upon receipt of notice.

Requires each county department of social services to maintain and update on a monthly basis a report of the number of children abandoned to firefighters and hospital staff members and to submit such information to the state department of human services. Requires the state department of human services to submit an annual report that compiles the county reports to the general assembly.

Declares the legislature's intent that a county department of social services place an abandoned child with a potential adoptive parent as soon as possible, and proceed, as soon as lawfully possible, with a motion to terminate the parental rights of a parent who abandons a child.

BECAME LAW June 3, 2000

EFFECTIVE June 3, 2000

H.B. 00-1025 Colorado children's trust fund - transfer to department of public health and environment - extension - independent evaluation - elimination of marriage license fee - fee on divorce filings - appropriation. Extends the Colorado children's trust fund board and trust fund program until July 1, 2002. Transfers the trust fund board and the program from the department of higher education to the department of public health and environment. Mandates that the department of public health and environment contract for an independent evaluation of the trust fund, including administrative costs of operating the trust fund and the cost-effectiveness of the grants in reducing and preventing child abuse. Directs that such report be submitted to the house and senate health, environment, welfare, and institutions committees by November 1, 2001.

Removes the requirement that the trust fund board develop a need-based classification system for potential recipients of grants from the trust fund.

Eliminates the \$10 marriage license fee as a revenue source for the trust fund. Directs that \$15 of the \$90 fee on divorce filings be transmitted to the state treasurer for deposit in the trust fund. Increases to 75% the percentage of the revenues received from divorce filing fees that is available annually for disbursement or expenditure from the trust fund.

Appropriates \$50,000 from the trust fund to the department of public health and environment to contract for the independent evaluation. Transfers the appropriation in the general appropriation act for the trust fund program, including any FTE, from the department of higher education to the department of public health and environment.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

H.B. 00-1108 Adoption - placement of siblings together in foster care and adoption - foster care capacity rules. Declares that it is beneficial for children placed in foster care or placed for adoption to be able to continue sibling relationships. Declares that when placing children in foster care placements or in adoptive placements, efforts should be made to place sibling groups together, unless there is a danger of specific harm to a child or it is not in the child's or children's best interests.

Requires, if the child is part of a sibling group and the sibling group is being placed in foster care, that the county department of social services ("county department") make thorough efforts to locate a joint placement for the siblings. If a child is not placed with

siblings, requires the caseworker to submit to the court reviewing the continued placement a statement about whether it continues to be the best interests of the child or children to be placed separately.

Requires, if the child is part of sibling group and is being placed for adoption, that the county department make thorough efforts to locate a joint placement for all of the children in the sibling group that are available for adoption. Requires the county department to identify in the adoption report the names and current custody and location of any siblings of the child being adopted who are also available for adoption; except that identifying information shall not be available to parties to the adoption proceeding except upon order of the court or as otherwise permitted by law.

If the child is part of a sibling group and is being placed for adoption by a child placement agency in either a circumstance involving siblings that are the result of a multiple birth or where a parent has relinquished parental rights to a child to a child placement agency, requires the child placement agency to make thorough efforts to locate a joint placement for all of the children in the sibling group that are available for adoption. Directs the child placement agency to place as many siblings of the group together as possible, considering their relationship and the best interests of each child.

States that consideration of the placement of children together as a sibling group in foster care or in adoption shall not delay the efforts for expedited permanency planning or permanency planning in order to achieve permanency for each of the children in the sibling group. States that consideration of the placement of children together as a sibling group in foster care shall not be construed as requiring the removal of a child from his or her home and placement into foster care if that is not in the best interests of the child.

Directs the court at a dispositional hearing or in entering a final decree of adoption for a child who is part of a sibling group to consider whether it is in the best interests of the child to be or remain in an intact sibling group. Directs the judge in such circumstances to review the family services plan document regarding placement of siblings.

Allows the court in issuing a final decree of adoption in cases involving the adoption of a child who has siblings who are not being adopted as a sibling group to encourage reasonable visitation among the siblings when visitation is in the best interests of the child or the children and if the adoptive parents are willing. Directs the court to inquire about whether the adoptive parents have received counseling on the importance of maintaining sibling ties.

Directs the state board of human services to promulgate rules to allow a foster care

home to exceed capacity for the number of children and for square footage requirements in order to accommodate the joint placement of sibling groups in a single foster care home.

APPROVED by Governor April 28, 2000

EFFECTIVE July 1, 2000

H.B. 00-1119 Exchange of information concerning children - criminal justice agencies - schools and school districts - assessment centers for children. Authorizes an exchange of information among schools and school districts and law enforcement agencies. Allows any criminal justice agency or assessment center for children to share any information or records, that rise to the level of a public safety concern except mental health or medical records, that the agency or center may have concerning a specific child with the principal of the school at which the child is or will be enrolled as a student and the superintendent of such school district, or with such person's designee. Allows a criminal justice agency or assessment center for children to share with a principal or superintendent any records, except mental health or medical records, of incidents that do not rise to the level of a public safety concern but that relate to the adjudication or conviction of a child for a municipal ordinance violation or that relate to the charging, adjudication, deferred prosecution, deferred judgment, or diversion of a child for an act that, if committed by an adult, would have constituted a misdemeanor or a felony. Requires the information so provided to be kept confidential.

Directs the principal of a school, or such person's designee, to provide disciplinary and truancy information concerning a child who is or will be enrolled as a student at the school to a criminal justice agency investigating a criminal matter that involves the child. Requires the criminal justice agency to maintain the confidentiality of the information received.

Authorizes assessment centers for children and the agencies, other than schools and school districts, participating in the local assessment centers for children to provide and share information, except mental health or medical records and information, with each other without the necessity of signed releases.

Eliminates the requirement that a child or the child's parent sign a waiver prior to release of information about the child to certain state agencies or the judicial department. Eliminates the notice and hearing procedure in those circumstances in which a waiver is not provided.

Limits the civil and criminal liability of school personnel, employees of the state judicial department, employees of the state agencies, employees of criminal justice agencies, and employees of assessment centers for children who share information concerning a child in good faith compliance with the provisions set forth in law. Specifies that any person who

violates the confidentiality provisions associated with the sharing of such information shall be subject to a civil fine of up to \$1000.

Allows the principal of a school and the superintendent of a school district, or such person's designee, to have access to juvenile delinquency court records, probation records, law enforcement records, and parole records without a court order.

Requires a municipal court that, as a condition of or in connection with any sentence it imposes, requires a child under the age of 18 to attend school to notify the school district in which the child is enrolled of such requirement. Directs the school district to notify the municipal court if the student fails to attend all or any portion of a school day where the school district has received such notice from a municipal court. Directs that, whenever a petition is filed in juvenile court or charges are filed in district court alleging that a child who is at least 12 years of age but younger than 18 years of age has committed an offense that would constitute unlawful sexual behavior if committed by an adult, certain information concerning the child and the act or offense shall be provided to the school district in which the child is enrolled.

APPROVED by Governor April 7, 2000

EFFECTIVE April 7, 2000

H.B. 00-1152 Colorado children's code - out-of-home permanent placement of children - expedited procedures in designated counties - implementation in additional counties - funding. Repeals a provision of the expedited permanency planning program that makes the implementation schedules developed by the counties contingent upon the availability of moneys in the family issues cash fund. Eliminates the requirement that the department of human services request that any out-of-home placement costs savings realized as a result of the permanency planning program implementation be transferred from the out-of-home placement budget category to the family issues cash fund. Allows counties to implement expedited permanency procedures within existing appropriations.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

H.B. 00-1235 Juveniles - fingerprinting - forwarding fingerprints to Colorado bureau of investigation - appropriation. Requires juveniles who are detained or summoned before a court on certain charges to be fingerprinted by a court authorized entity or local law enforcement agency. Requires the agency that obtains the fingerprints to forward a set of the fingerprints to the Colorado bureau of investigation within 24 hours after completion of the fingerprinting.

Appropriates \$18,481 and 0.5 FTE to the department of public safety for implementation of the act. Adjusts the appropriations in the general appropriations act.

APPROVED by Governor May 19, 2000

EFFECTIVE May 19, 2000

H.B. 00-1240 Juveniles - delinquency records - access by Colorado bureau of investigation. Grants specific authority to the Colorado bureau of investigation to inspect juvenile delinquency, court, probation, and law enforcement records for the purpose of conducting a criminal background investigation relating to authorization of a firearm purchase.

APPROVED by Governor March 29, 2000

EFFECTIVE March 29, 2000

H.B. 00-1249 Marriages - validity - common law marriages not invalidated. Specifies that valid marriages in Colorado shall be only between one man and one woman. States that any marriage contracted within or outside this state that is not between one man and one woman shall not be recognized as valid in Colorado. States that otherwise valid common law marriages between one man and one woman shall not be deemed invalid.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1262 Uniform Child-custody Jurisdiction and Enforcement Act. Repeals the "Uniform Child Custody Jurisdiction Act" and enacts the "Uniform Child-custody Jurisdiction and Enforcement Act" (the "act") based upon the official text of the "Uniform Child-custody Jurisdiction and Enforcement Act (1997)" issued by the national conference of commissioners on uniform state laws. In enacting the act, makes the following changes:

Definitions: Clarifies that a "child-custody determination" includes permanent, temporary, initial, and modification orders. Clarifies that a "child-custody proceeding" includes proceedings in divorce, dissolution of marriage, legal separation, visitation, parenting time, grandparent visitation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence.

Application of Act: Specifies that the act does not govern adoption proceedings or proceedings to authorize emergency medical care for a child. Provides that a foreign country shall be treated the same as a state for purposes of the act, and child-custody determinations made in that country shall be recognized and enforced if made in substantial conformity with the jurisdictional standards of the act, unless the child custody law of the foreign country

violates fundamental principles of human rights.

Personal Jurisdiction: Provides that a child-custody determination made in this state binds all persons who have been served in accordance with this state's laws or who have submitted to a Colorado court's jurisdiction. Allows notice to persons residing outside the state and proof of service to be made by any method authorized by either the state issuing the notice or the state receiving the notice.

Limits the scope for which personal jurisdiction shall apply to those persons who are in the state solely to participate in a custody proceeding or enforcement action. Specifies that limited immunity from personal jurisdiction does not extend to civil litigation based on acts unrelated to participation in a custody proceeding.

Interstate Actions: Authorizes a court of this state to communicate with a court in another state concerning a child-custody proceeding. Allows a court to permit deposition or testimony to be taken by telephone, audiovisual means, or other electronic means. Provides for cooperation between courts of different states. Specifies that neither minimum contacts nor service within the state is required for the court to have jurisdiction to make custody determinations.

Jurisdiction Determinations: Prioritizes the jurisdiction of the home state over other jurisdictional bases. When a court of another jurisdiction does not have or declines to exercise jurisdiction, recognizes the child's or parent's significant connections with Colorado combined with substantial evidence concerning the child's care, protection, training, and personal relationships as a basis for jurisdiction available in this state. Eliminates the best interests of the child requirements.

Establishes another basis for custody jurisdiction when all states with jurisdiction determine that Colorado is the more appropriate forum. Clarifies that emergency jurisdiction may only be exercised on a temporary basis. Directs the court exercising emergency jurisdiction to communicate with the other courts having jurisdiction.

Clarifies that the decree-granting state retains exclusive continuing jurisdiction to modify a decree, and specifies when the exclusive continuing jurisdiction ends. Eliminates the provision authorizing a court to dismiss a custody proceeding if another court is the more convenient forum, and directs the court to stay the proceeding instead. Removes the authority of the court to assess fees and costs against the parties if the court was clearly an inappropriate court to hear the matter.

Modification of Custody: Prohibits a court from modifying a custody determination

made by a court of another state that has jurisdiction under the act unless the other court determines it no longer has exclusive, continuing jurisdiction or that it is not the more convenient forum.

Procedural Provisions: Defaults to the requirements of local law concerning who must receive notice of custody proceedings. Eliminates provisions concerning joinder of parties. Expands the bases of unjustifiable conduct for which custody jurisdiction will be declined. Authorizes a court to stay a custody proceeding until the information concerning other custody proceedings is provided.

Enforcement: Authorizes a court to enforce an order for the return of a child made under the "Hague Convention on the Civil Aspects of International Child Abduction". Directs a court to recognize and enforce a child-custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this act or pursuant to the jurisdictional standards of this act. Authorizes a court to issue a temporary order if necessary to enforce visitation or parenting time rights.

Establishes a registration procedure to be used to predetermine the enforceability of a child-custody determination. Provides that a registered child-custody determination may be enforced as if it were a child-custody determination of this state.

Establishes the remedy to be used for enforcement in interstate cases. Establishes a limited number of defenses to the enforcement of child-custody determinations. Establishes procedures for the issuance of a warrant to take physical custody of a child to protect the child from imminent, serious physical harm or removal from the state. Permits a court to award fees and costs against the non-prevailing party, unless the non-prevailing party demonstrates that such an award would be clearly inappropriate.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

H.B. 00-1318 Out-of-home placement of children - prior notification of relatives. Requires the court, at the temporary custody hearing in a dependency or neglect action, to advise the parents of a child who was taken into temporary custody that the child may be placed with a relative, if appropriate. Instructs the court to require the parents, within 15 days after the hearing, to provide the court with the names, addresses, and telephone numbers of any known relatives. Allows the court to order the county department of social services to make reasonable efforts to contact all of the identified relatives within 90 days after the hearing, unless the court determines there is good cause not to notify or to delay the notification of the relatives.

Permits the court to consider and give preference to giving temporary custody to a child's aunt, uncle, brother, or sister, in addition to considering temporary custody with the child's grandparent, when there is not a suitable birth or adoptive parent available.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1336 Adoption - access to records - consent requirements - transfer of records when child placement agency terminates activities - adoption intermediary commission - increase in members - rules on searches - relinquishment counseling. Allows an adoptive parent to access adoption records, request information, initiate a confidential intermediary search, or contact a birth parent as allowed by law only for minor adoptees.

Requires an adult descendant of an adoptee or adoptive parent or a spouse, adult stepchild, or adopted adult sibling of an adoptee to have notarized written consent of the adult adoptee in order obtain access to adoption records through the confidential intermediary process, initiate a confidential intermediary search, or access records for adoptions finalized on or after September 1, 1999. Allows an adoptive grandparent to obtain access to adoption records through the confidential intermediary process, initiate a confidential intermediary search, or access adoption records for adoptions finalized on or after September 1, 1999, only with the notarized written consent of the minor adoptee's adoptive parent or if the grandparent is the custodial grandparent.

Requires a biological grandparent of an adoptee to have notarized written consent of the biological parent, unless the biological parent is deceased, before obtaining access to adoption records through the confidential intermediary process, initiating a confidential intermediary search, or accessing records for adoptions finalized on or after September 1, 1999.

Clarifies that accessing records for adoptions finalized prior to September 1, 1999, by "mutual consent" of the parties means by parties who have been reunited.

Defines "legal representative" for purposes of the confidential intermediary process and for purposes of accessing adoption records.

For adoptions finalized prior to or on or after September 1, 1999, if the birth parent is deceased, requires an adoptive grandparent, an adult descendant of an adult adoptee, an

adoptive's spouse, or legal representative to have the notarized written consent of the adult adoptee or the adoptive parent if the adoptee is a minor in order to access adoption records allowed to be released under the statute. For adoptions finalized prior to or on or after September 1, 1999, if one of the birth parents is deceased and the other birth parent is living but does not consent to being contacted, mandates that any adoption records released be released without the name of and without other identifying information about the nonconsenting birth parent.

For adoptions finalized on or after September 1, 1999, allows a birth parent to file with the child placement agency, in addition to filing with the court, within 3 years after the final order of relinquishment or termination a written statement and a letter of explanation for the adoptee specifying that the birth parent wishes identifying information concerning the parent to remain confidential. States that a child placement agency is not liable for the failure of a birth parent to file such statement.

Clarifies that if only one birth parent consents to the release of adoption records and identifying information from a child placement agency, the adoption records and identifying information shall be released by the child placement agency without the name and without identifying information of the nonconsenting birth parent.

Directs that a child placement agency accepting a fee shall make reasonable efforts to attempt to locate persons who gave consent to release identifying information and to release information obtained. Allows a child placement agency that accepts a consent form to perform searches, subject to a requirement that the employee conducting searches and contacting persons has completed training that meets the standards set by the adoption intermediary commission. Deletes an incorrect reference to the department of human services holding post-adoption records. Allows an adult adoptee to file with the child placement agency a statement restricting access to his or her adoption records.

Requires a child placement agency that is terminating its activities to preserve and transfer any records to the child care licensing division in the department of human services.

Increases the members on the adoption intermediary commission from 11 to 13, by adding 2 members who represent confidential intermediaries. Directs that the confidential intermediary commission shall adopt standards for training programs for child placement agencies that perform searches and contact persons.

Requires the counseling given to persons considering relinquishing a child for adoption to include notice that a birth parent has the opportunity to file a written statement specifying that the birth parent's information remain confidential and an explanation of the

rights and responsibilities of birth parents who disagree about consenting to being contacted in the future.

APPROVED by Governor May 30, 2000

EFFECTIVE July 1, 2000

H.B. 00-1342 Prevention, intervention, and treatment programs - division created - state plan - pilot program - transfer of programs - appropriation. Creates the division of prevention and intervention services for children and youth ("division") in the department of public health and environment ("department"). Specifies the duties of the state board of health with regard to the new division, including adopting rules to standardize operating procedures, performance indicators and outcomes, and procedures for reviewing prevention, intervention, and treatment ("PIT") programs within the state.

Identifies the state board of health as the oversight board for the PIT programs operated by the division, except specified programs. Specifies the duties of the state board of health in overseeing the programs. Specifies the functions of the division, including adopting a state plan for delivery of PIT services, operating specified prevention and intervention programs, and reviewing all PIT programs operated by the division and by other state agencies.

Specifies the minimum contents of the state plan, including specifying the standards and measurable outcomes for PIT programs that receive state or federal funds, identifying and scheduling a review of all PIT programs receiving state or federal funds, and identifying methods of collaboration among community-based PIT programs.

Requires, as a condition of receiving any state PIT funding, that each state agency that operates a PIT program enter into a memorandum of understanding with the executive director of the department, under which the agency, at a minimum, agrees to comply with the rules for PIT programs adopted by the executive director and comply with other PIT program requirements. Encourages the governor to deny federal PIT services funding to any state agency that does not enter into a memorandum of understanding with the executive director. Creates a procedure whereby, upon the creation of a new PIT program, the division notifies the agency operating the new program of the requirement of entering into a memorandum of understanding with the executive director. Requires the executive director to meet biannually with the governor, or his or her designee, and the executive directors of the other state agencies that operate PIT programs to discuss streamlining the PIT programs operated by state agencies in order to achieve greater efficiencies.

Specifies the information to be annually reported to the division by each state agency

operating a PIT program and by each community-based PIT program that receives state or federal funding. Instructs a state agency that receives a comparable annual report from a community-based PIT program to forward the report to the division, in lieu of requiring the community-based PIT program to submit an additional report. Directs the division, at least every 4 years, to review all state and community-based PIT programs that receive state and federal funding to determine whether the program is meeting its identified goals and outcomes and complying with all regulatory and statutory requirements. Requires the division to revoke a grant issued to any PIT program that is not meeting its goals or complying with regulatory or statutory requirements. Allows the division to contract with a public or private entity to assist in conducting the program reviews. Requires the division to prepare an annual executive summary of the PIT program reviews.

Identifies juvenile justice programs that are not subject to the requirements of the act.

Creates the comprehensive community-based prevention and intervention services pilot program ("pilot program") to be operated by the division. Instructs the division to solicit applications from local governments and prevention and intervention services providers throughout the state to participate in the pilot program. Directs the division to adopt time lines for implementation of the pilot program, ensuring that the pilot programs are operating by November 1, 2001. Specifies the application contents. Directs the division to select up to 12 pilot site communities to operate the pilot program, and specifies criteria for selecting sites. On or before June 1, 2002, requires the division to report an assessment of the pilot program to the joint budget committee and the health, environment, welfare, and institutions committees of the senate and the house of representatives.

Moves the existing youth crime prevention and intervention program, including the Colorado youth mentoring services program and the Colorado student dropout prevention and intervention program, from the department of local affairs to the division. Renames the program as the Tony Grampsas youth services program. Renames the youth crime prevention and intervention program board as the Tony Grampsas youth services board and specifies that the board shall continue to have oversight over the programs. Repeals the early education and school readiness program.

Moves the existing family development center program from the department of human services to the division. Abolishes the state council on family development centers and grants oversight of the program to the state board of health.

Repeals the requirement that the state auditor conduct a programmatic review of all prevention programs every 3 years.

Makes adjustments in the general appropriations act to reflect the transfer of programs in the act. Increases the appropriation to the department of public health and environment by \$10,286,946 and 5.5 FTE and appropriates \$238,480 and 3.5 FTE from the general fund to the department of public health and environment for implementation of the act.

APPROVED by Governor May 18, 2000

EFFECTIVE May 18, 2000

H.B. 00-1371 Office of the child's representative - guardians ad litem - court-appointed special advocates - representatives of the child - special advocates - appropriation. Establishes the office of the child's representative ("office") in the state judicial department, the operational structure of which is to be established in fiscal year 2000-01 and the payment of services through which is to be paid beginning in fiscal year 2001-02. Directs the Colorado supreme court to appoint a 9-member board in the office. Identifies the responsibilities of the board, including the responsibility to appoint a director of the office. Specifies the qualifications of the director.

Identifies the duties of the office, including the duty to enhance the provision of guardian ad litem ("GAL") services in Colorado through specified means. Further directs the office to enhance the court-appointed special advocate ("CASA") program in Colorado by working cooperatively with the nonprofit entity contracting with the judicial department to coordinate the CASA program to ensure the development of local CASA programs in every judicial district. Includes among the duties of the office, the duty to enhance the provision of services in Colorado by attorneys appointed to serve as representatives of children in domestic relation cases. Requires the office to seek or develop new funding sources for the provision of GAL, CASA, and representative-of-the-child services in Colorado. Gives the office enforcement authority.

Directs the office to work cooperatively with the judicial districts to establish pilot programs designed to improve the quality of child representatives at the local level, to develop measurement instruments to assess the effectiveness of different models of representation of children, to cause an annual independent financial audit to be performed, and to cause a program review and outcome-based evaluation of the office's performance to be conducted annually.

Requires that any court order appointing an attorney to serve as a representative of the child or special advocate under the "Uniform Dissolution of Marriage Act" or as a GAL under the "Colorado Children's Code" require that such attorney comply with the chief justice's 1997 directive concerning the court appointment of GALs and representatives of children and any similar directive or other practice standards subsequently issued.

Creates the guardian ad litem fund and the court-appointed special advocate fund in the state treasury for the purposes of providing funding to these programs in Colorado.

Acknowledges the undertakings of the Colorado supreme court in studying and investigating different models implementing family court principles.

Appropriates \$147,659 and 3 FTE to the state judicial department for allocation to the office of the child's representative by adjusting the appropriation to the judicial department, trial courts, mandated costs line item.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 00-80 Consumer protection. Modifies the "Colorado Consumer Protection Act" by: changing the definition of "buyers' club" from applying to merchandise to applying to goods, food, services, or property that is offered at purportedly discount prices; expanding the circumstances when a commercial telephone seller need not refund payment after a notice of cancellation to include situations other than the receipt of services during the course of a pay-per-call service call; including motor vehicle leases in the prohibition against using deceptive trade practices in motor vehicle sales; and expanding the attorney general's civil discovery authority to include cases involving violations of federal antitrust laws that may be enforced by the attorney general.

APPROVED by Governor March 30, 2000

EFFECTIVE March 30, 2000

S.B. 00-144 Lending regulation - deferred deposit loans. Creates the "Deferred Deposit Loan Act" (Act). Requires a written agreement to make a deferred deposit loan. Sets the maximum loan term at 40 days. Requires the agreement to contain a prominent notice that such loan is intended to be for short-term, not long-term, use, that additional finance charges may be required to renew the loan, and that a consumer is prohibited from holding more than \$500 in deferred deposit debt.

Authorizes a deferred deposit lender to charge a finance charge of up to 20% of the loan value for the first \$300 loaned plus 7.5% of any amount loaned in excess of \$300. Prohibits a consumer from obtaining and a lender from making deferred deposit loans in excess of \$500. Gives the consumer the right to rescind a deferred deposit loan by 5 p.m. on the next business day following the loan transaction. Prohibits a consumer from renewing a deferred deposit loan more than once. Requires the lender to refund a prorated portion of the finance charge if the consumer renews the deferred deposit loan prior to the maturity date. Authorizes lenders to pay with business instruments, money orders, or cash, as long as the consumer does not have to pay additional finance charges to cash the business instruments. Requires the lender to endorse a deferred deposit instrument with the actual business name of the lender in order to present or negotiate the instrument. Requires any person offering deferred deposit loans to post all finance charges at the point of sale.

Gives the consumer the right to redeem the deferred deposit instrument if the consumer pays in full. Authorizes a civil action to collect the face value if the deferred deposit instrument is dishonored. Authorizes the lender and consumer to contract for a returned instrument charge not to exceed \$25 plus reasonable attorney fees and court costs, unless the attorney fees exceed the value of the loan. Disallows returned instrument charges

if the loan proceeds instrument is dishonored by the financial institution or the consumer places a stop-payment order due to forgery or theft. Prohibits criminal charges for returned instruments unless the consumer closes the account prior to the agreed-upon date of negotiation. Requires a lender to place a notice on instruments that are held as a result of a deferred deposit loan before the lender may assign or sell such instruments. Prohibits unfair or deceptive practices.

Clarifies that the provisions of the "Uniform Consumer Credit Code" generally apply to a deferred deposit lender unless such provisions are in conflict with this Act. Expands the definition of a "supervised financial organization" under the "Uniform Consumer Credit Code" to include an entity organized, chartered, or holding a certificate under the laws of any other state.

APPROVED by Governor April 18, 2000

EFFECTIVE July 1, 2000

H.B. 00-1116 Fraud against senior citizens - enhanced civil and criminal penalties. Defines the term "elderly person", for purposes of the "Colorado Consumer Protection Act" and for various provisions of the "Colorado Criminal Code", as a person 60 years of age or older.

Requires any person violating the "Colorado Consumer Protection Act" by the commission of an act against an elderly person to pay a civil penalty of not more than \$10,000 to the state general fund for each violation.

Requires persons convicted of certain types of felony and misdemeanor crimes under the "Colorado Criminal Code" against an elderly person to pay a mandatory and substantial fine within the limits provided for such crimes. Makes property used in committing certain felony crimes against an elderly person a class 1 public nuisance and subject to forfeiture.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1185 Uniform Consumer Credit Code - recodification. Repeals and reenacts certain provisions of the "Uniform Consumer Credit Code" (UCCC) based upon the recommendations of the UCCC revision committee contained in the "Report of the Uniform Consumer Credit Code Revision Committee and Actions of the Colorado Commission on Consumer Credit" dated November 30, 1999, and prepared by the UCCC administrator.

Makes various revisions, modifications, and additions to UCCC provisions governing:

- The scope and jurisdiction of the UCCC and, specifically, the consumer credit transactions made in Colorado that are governed by the UCCC;
- Maximum finance charges and fees, including a modification of finance charges on a lender or seller credit card issued by a credit card bank or financial institution;
- Supervised loans and supervised lenders, including the provisions on notification filings, license fees, applications for branch location licenses, and other administrative fees that may be established by rule; the grounds for administrative action against, or for denial of, a supervised lender's license; the administrative disciplinary action that may be taken against a creditor; the conformance of such actions to the standards and procedures of the "State Administrative Procedure Act" for such actions; and supervised lenders engaging in another business for the purpose of evading the UCCC or requiring the purchase of any goods or services as a condition of the extension of credit;
- The regulation of agreements and practices, including the conforming of the UCCC's consumer credit disclosures to those requirements of the federal "Truth in Lending Act" (TILA) and the federal "Consumer Leasing Act"; the required disclosures regarding the effect of untimely payments on real estate secured consumer credit transactions; and the establishment of a general record-keeping requirement for all creditors;
- The limitations on creditors' remedies, including the right of a cosignor to a right to cure notice in connection with an acceleration of the balance due against or making a credit report;
- The powers and functions of the UCCC administrator, including the provisions on creditor actions in reliance on UCCC rules or "safe harbor"; the assurances of discontinuance and the requirements the administrator may impose in connection with such an assurance; the factors utilized in an action to determine whether a creditor has made an unconscionable agreement or engaged in fraudulent or unconscionable conduct; and the statute of limitations for civil actions relating to excess charges and the finance charge refunds and consumer penalties recoverable in such an action; and
- The council of advisors on consumer credit, including the composition and duties of the council, and the creation of a subcommittee of the council for the purpose of reviewing, repealing, amending, or modifying any rule promulgated by the administrator.

Makes other revisions, particularly with regard to eliminating the distinction between

credit sales and consumer loans, that are consistent with the 1974 model UCCC act of the national conference of commissioners on uniform state laws.

Makes technical changes to the definition of "organization" to include corporations, limited liability companies, governments or governmental subdivisions or agencies, trusts, estates, partnerships, limited liability partnerships, cooperatives, or associations. Adds a definition of "regularly" that conforms to the TILA definition and a definition of "written" that includes paper, electronic, digital, magnetic, optical, and electronic records.

Clarifies certain provisions relating to when charges and terms must be contracted for in a written agreement that the consumer may retain.

Repeals the commission on consumer credit.

Specifies that the UCCC applies to the following transactions:

- Refinancings, consolidations, and deferrals made on or after July 1, 2000, concerning sales, leases, and loans whenever made;
- Sales or loans made on or after July 1, 2000, pursuant to revolving credit accounts entered into, arranged, or contracted for before July 1, 2000; and
- All credit transactions made before July 1, 2000, insofar as the UCCC limits the remedies of creditors.

Specifies that certain disclosures in the UCCC take effect January 1, 2001.

Allows all persons licensed under the UCCC's provisions prior to July 1, 2000, to make supervised loans under the UCCC's recodified provisions on those loans.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

H.B. 00-1309 Colorado Junk Email Law - restrictions - unsolicited commercial electronic mail. Enacts the "Colorado Junk Email Law". Defines the terms "current or prior business relationship", "electronic mail", "electronic mail service provider", "person", and "unsolicited commercial electronic mail message" for purposes of this law. Sets forth certain activities, with respect to the transmission of certain unsolicited commercial electronic mail messages, that will be violations of this law.

Creates a private civil right of action in the case of violations of this law. Allows the prevailing party to recover actual damages, attorney fees, and costs. Also entitles the

prevailing party to collect a civil penalty of \$10 for each unsolicited commercial electronic mail message transmitted in violation of this law.

Upon request, authorizes courts to conduct proceedings under this law in such a way as to protect the trade secrets of any party and to protect the security of any computer system or computer software. Authorizes county courts and small claims courts to enter injunctive relief in cases filed under this law.

Provides civil immunity for electronic mail service providers that adopt measures to prevent the transmission of unsolicited commercial electronic mail messages in violation of this law, and provides that no electronic mail service provider shall be liable for the mere transmission of unsolicited commercial electronic mail messages over the provider's computer network.

BECAME LAW June 3, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1347 Consumer protection - sweepstakes and contests. Regulates sweepstakes and contests by: Prohibiting payment of any consideration as a condition for or an influence on the odds of winning; prohibiting false representations regarding the odds of winning, the rules governing the award of prizes, the value of the prize, and the means of delivery of the prize notice; mandating the written format of certain disclosures; and prohibiting prize notices that simulate documents issued by a governmental entity, lawyer, law firm, or insurance or brokerage company. Exempts membership clubs whose use of negative option plans is already regulated by the federal trade commission and certain large catalog sellers from the act. Makes a violation of this act a deceptive trade practice.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORPORATIONS AND ASSOCIATIONS

H.B. 00-1489 Corporate entities - entity names - period reports - mergers - conversions - catalog sales. Consolidates references to for-profit corporations, nonprofit corporations, limited liability companies, limited liability limited partnerships, registered limited liability limited partnerships, cooperatives, and associations as domestic entities. Requires that domestic entity names, periodic reports, amendments, dissolutions, name reservations, and registrations be filed with the secretary of state. Beginning January 1, 2001, requires that periodic reports be filed annually. Requires that both domestic entities and foreign entities have distinguishable names as is required of any other entity in Colorado. Adds definitions of relevant terms to laws concerning corporations.

Provides that, in the case of conflict between the organic statute and provisions in the constituent documents, the provisions of the constituent documents control. Revises provisions concerning mergers of foreign and domestic entities. Specifies that every merger in Colorado will require a domestic constituent document.

Outlines laws concerning domestic entity names, foreign entity names, assumed names of foreign entities, and registered names of foreign entities. Clarifies changes to corporate names.

Changes the percentage of annual revenues generated from catalog sales to 37.5% from 50% for exclusions to solicitation and representation rules for the purposes of deceptive trade practices.

APPROVED by Governor May 25, 2000

EFFECTIVE July 1, 2000

CORRECTIONS

S.B. 00-140 Youthful offender system - treatment for sex offenders - resentencing - evaluation of programs - contract for educational services - appropriation. Specifies the general assembly's intent that offenders sentenced to the youthful offender system ("YOS") be housed in a specially designed facility, separate from adult inmates, but that youthful offenders be treated as adults under state statutes and department of corrections' ("DOC") regulations.

Requires the court to order a presentence investigation prior to sentencing a juvenile to the YOS. Eliminates cigarettes and access to snacks from the list of privileges that may be withheld from offenders in the YOS. Deletes the specific language requiring the YOS to use positive peer programming in rehabilitating youthful offenders. Requires the YOS to provide sex offender treatment services to any offender who has a history of committing a sex offense.

Eliminates the DOC's authority to transfer a youthful offender to another facility for vocational training. Allows the DOC to transfer a youthful offender to another DOC facility if he or she poses a danger, regardless of the crime for which the offender was convicted or the offender's age. Limits to 60 days the period for which a youthful offender may be transferred to another DOC facility. At the end of said period, requires the youthful offender to be returned to the YOS facility or resentenced. Prohibits holding a youthful offender in isolation, in segregation, or in an adult facility for longer than 60 consecutive days without action by the sentencing court.

Allows the DOC to transfer a youthful offender to another facility for diagnosis if a mental health clinician thinks the offender may have a mental illness or a developmental disability. As a part of the diagnosis, requires the diagnosing professionals to determine whether the youthful offender is capable of completing the YOS program. If it is determined that the youthful offender is incapable of completing the YOS program, instructs the sentencing court to revoke the sentence and either impose the original DOC sentence or reduce the DOC sentence. Prohibits the court from increasing the youthful offender's sentence or from sentencing the youthful offender as a juvenile.

Allows the DOC to house a youthful offender who is unsuccessful in completing the YOS program, for reasons other than mental illness or a developmental disability, in any appropriate DOC facility while awaiting resentencing, but requires the offender to be transferred to a county jail within 30 days after the executive director's approval of the decision to seek revocation. Requires the sentencing court to review the revocation of the youthful offender's sentence and to resentence him or her within 120 days after the district

attorney of record receives notice to seek revocation.

Instructs the division of criminal justice within the department of public safety to evaluate, or contract with a public or private entity for the evaluation of, the YOS and to submit a biennial report to the judiciary committees of the senate and the house of representatives. Deletes provisions that allowed the department of corrections to contract with providers for facilities and comparable programs for female youthful offenders prior to completion of the permanent facility in Pueblo.

Authorizes the DOC to contract with any public or private entity, including a school district, for provision or certification of educational services. Specifies that offenders receiving educational services pursuant to the contract shall not be included in calculating the contracting school district's student performance on assessments or the school district's grades.

Appropriates \$103,391 and 2 FTE to the department of corrections for implementation of the act.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-218 Jails - work requirements. Repeals any language requiring prisoners confined in a municipal jail to work. Repeals the requirement that prisoners confined in county jails work at hard labor, and instead requires only that they work 8 hours of every working day. Clarifies that the work requirements apply to prisoners confined in the jail of a city and county. Repeals language requiring the sheriff to compel such prisoners to work on making or repairing public roads. Specifies that employment as a jail trusty is sufficient to meet the work requirement.

Repeals provisions that:

- Impose a fine on a sheriff, marshal, or police chief for failing to require prisoners to work;
- Require a sheriff, marshal, or police chief to keep account of prisoners' earnings received in complying with the work requirement;
- Require a sheriff, marshal, or police chief to pay the earnings to each prisoner's spouse or children.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1133 Restructuring of department - facility security levels - inmate custody levels.
Restructures the department of corrections (DOC) by:

Clarifying the powers and duties of the executive director of the DOC to:

- Create other divisions and programs within the DOC as necessary;
- Move any inmate between correctional facilities;
- Monitor and supervise the activities of private contract prisons;
- Make permissive, rather than mandatory, a process for issuing requests for proposals for the use and development of private contract prisons;
- Adopt rules governing the release of records to inmates;
- Transfer mentally ill or developmentally disabled inmates to a mental health institute at his or her discretion without the requirement of a physician's certification or report; and
- Organize the division of adult parole and determine the number of and qualifications for assistant directors.

Establishing and specifying:

- A security level for each correctional facility;
- Allowable custody levels for inmates placed at private contract prisons; and
- Monthly and annual reporting requirements for the DOC.

Changing:

- The name of the division of adult services to the division of adult parole;
- The division of correctional education to a program;
- The requirement that prisoners wear a seat belt during transportation to a requirement that the number of prisoners in a vehicle cannot exceed the design capacity; and
- The executive director's duty to include a literacy or education program in parole supervision until an inmate can be restored to productive independence, to a more general charge of providing work and self-improvement opportunities to assist inmates in successful community reintegration.

Repealing:

- The legislative declaration regarding emergency response time;
- The accounting system for expenditures on inmates;
- In recognition that all inmates are to be housed in appropriate facilities, the specific requirement that women be housed in appropriate facilities;
- The Colorado commission on parole guidelines;
- The requirement for a form setting forth guidelines to be used by the state board of parole;
- The duty of the division of adult parole to establish and administer appropriate programs of education and treatment and other productive activities designed to assist in inmate rehabilitation;
- The duty of the division of adult parole to require offenders convicted of first degree sexual assault to participate in a program of mental health counseling or receive treatment to the extent the parole board deems appropriate;
- The legislative directive regarding future correctional facility needs;
- The duty to report differences in recidivism between department facilities and private facilities;
- Legislative encouragement to consolidate parole and probation offices;
- The duty of DOC investigators to notify local law enforcement when a DOC investigator intends to operate in the area;
- The transfer of functions from the department of institutions to the DOC; and
- The preference for agricultural use of lands associated with and owned by the DOC.

With respect to DOC facilities, adds tobacco to the list of items for the possession of which a person may be charged with the offense of introducing contraband in the second degree.

APPROVED by Governor May 24, 2000

EFFECTIVE May 24, 2000

H.B. 00-1150 Parole - special needs offenders - rules. Creates special needs parole for special needs offenders. Defines a "special needs offender" as a person in the custody of the department of corrections who is physically handicapped, mentally ill, terminally ill, or developmentally disabled, or is 65 years of age or older and incapable of taking care of himself or herself; except that "special needs offender" does not include a person who has been convicted of a class 1 felony, has been convicted of a crime of violence, or who is or has been a sex offender.

Allows the state board of parole ("board") to parole a special needs offender if:

- The board makes a determination based on the offender's condition and a medical evaluation that the offender does not constitute a threat to public safety or is unlikely to commit an offense; and
- The board prepares a special needs parole plan that ensures appropriate supervision and placement of the special needs offender.

Enables the board to promulgate rules regarding special needs parole.

Applies to any inmate applying for parole on or after July 1, 2001, regardless of when the inmate was sentenced. States that the special needs parole provisions shall not affect the length of the parole period to which a special needs offender would otherwise be subject.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1254 Private treatment providers - approval, certification, approval, or licensure - unauthorized residency by parolee or probationer. Includes nonresidential programs that treat criminal offenders from another state within the programs that are required to register with the administrator of the interstate compact on out-of-state parolee supervision. Clarifies that such treatment programs include programs treating out-of-state offenders who are not under the supervision of a parole or probation officer. Clarifies the definition of supervised and unsupervised persons.

Prohibits nonresident, out-of-state offenders from traveling into Colorado until they have been approved by the administrator of the interstate compact.

Requires programs for out-of-state, supervised offenders to be:

- Approved by the division of alcohol and drug abuse within the department of human services if the treatment is for alcohol or drug abuse;
- Certified or approved by the sex offender management board if the offender is a sex offender;
- Certified or approved by a domestic violence treatment board if the offender was convicted of or the underlying factual basis included an act of domestic violence; or
- Licensed or certified for any treatment or counseling required by the division of adult services in the department of corrections, the department of regulatory

agencies, the division of mental health within the department of human services, the state board of nursing, or the state board of medical examiners.

Unless a court or the state parole board makes a specific finding otherwise, requires treatment or counseling ordered as a condition of probation, or parole to be obtained from a facility or a person approved, certified, or licensed in the same manner as programs for the treatment of out-of-state offenders.

Makes it a class 5 felony if a person who is required to have the permission of the administrator of the interstate compact to stay in the state:

- Stays in Colorado as a nonresident prior to receiving approval by the administrator of the interstate compact; or
- Stays in Colorado as a resident for more than 90 days without receiving the approval of the administrator.

APPROVED by Governor March 29, 2000

EFFECTIVE July 1, 2000

H.B. 00-1333 State board of parole - video teleconferencing policy. Instructs the chairperson of the parole board to adopt policies for the use of video teleconferencing technology in conducting parole hearings, parole revocation hearings, and board meetings.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1421 Community corrections program agents - duties - arrest powers. Identifies community corrections program agents ("agents"), within the department of corrections ("department"), as level Ia peace officers. Authorizes agents to maintain jurisdiction over offenders placed in any community corrections program by order of the executive director of the department of corrections ("executive director").

Permits the director of the community corrections program ("director") or any agent to arrest an offender, under specified circumstances, including when any offense under the laws of this state has been or is being committed by the offender in the presence of the director or agent or the director or agent has a warrant commanding that such offender be arrested.

Specifies that if an agent makes an arrest of an offender with or without a warrant, or the offender is otherwise arrested, the offender is to be held in a county jail or program

pending action by the agent or the director.

Authorizes an agent to seek out and arrest any fugitive from a correctional facility when called upon and to assist other agencies in the apprehension of fugitives from jurisdictions throughout the state. Requires each agent, or the director acting as an agent, to notify the local law enforcement agency when the agent is operating or intends to operate within the local law enforcement agency's jurisdiction and to cooperate with the agency.

APPROVED by Governor March 29, 2000

EFFECTIVE March 29, 2000

COURTS

S.B. 00-2 Jurors - disqualification - prioritization of names. Allows exceptions to jury service by court rule.

Adds service as a juror during the preceding 12 months in a municipal, tribal, or military court to the grounds for mandatory juror disqualification. Mandates disqualification of a juror on the basis of appearance as a juror within the current calendar year, rather than actual service. Deletes the mandatory disqualification for persons who have served as jurors in class A or B counties during the preceding 2 consecutive calendar years.

Deletes the requirement that the state court administrator annually determine the total number of prospective jurors from each county to be placed on the master juror wheel. Allows the state court administrator to obtain names, addresses, dates of birth, identifying numbers, and jury histories for prospective jurors. Creates prioritization of the randomly selected names on the master juror wheel based on amount and recency of prior juror service.

Allows a juror to postpone juror service into the next calendar year.

Specifies that the court, rather than the trial judge, shall inform jurors if a trial is expected to last more than 3 trial days and may excuse a juror from performing juror service in that trial upon a finding of hardship or inconvenience.

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-3 Exemption from attachment or levy - expansion. Expands the range and increases the value of assets that are exempt from seizure in debt collection proceedings. Specifies that with respect to loans, debts, or obligations incurred on or after July 1, 2000, trailers and trailer coaches are homesteads for which a homestead exemption may be allowed.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

S.B. 00-78 City and County of Broomfield - 17th judicial district. Assigns the city and county of Broomfield to the seventeenth judicial district. Specifies that the judicial districts as they existed prior to November 15, 2001, have jurisdiction over crimes and causes of

action arising in those districts and that after November 15, 2001, the 17th judicial district has jurisdiction over crimes and causes of action arising within the city and county of Broomfield.

APPROVED by Governor March 30, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1028 Damages for death - parental shares in judgment. Permits either parent, if divorced or separated, or living apart, in a lawsuit for the wrongful death of an unmarried child to file a pre-trial motion requesting the court to fairly apportion the judgment between the parents. Requires the court to hold a post-judgment hearing on the motion, consider the factors of each parent's relationship with the deceased, and fairly determine the percentage of the judgment to be awarded to each parent.

APPROVED by Governor March 17, 2000

EFFECTIVE July 1, 2000

H.B. 00-1109 District court judges - increase number - fourth and eighteenth judicial districts - appropriation. Increases the number of district court judges in the fourth judicial district from 13 to 14 judges. Also increases the number of district court judges in the eighteenth judicial district from 12 to 13 judges.

Appropriates \$591,491 and 8.0 FTE to the state judicial department for implementation of the act.

APPROVED by Governor March 10, 2000

EFFECTIVE July 1, 2000

H.B. 00-1138 Civil actions against family foster care providers - limited liability. Limits the civil liability of a foster care provider for any acts or omissions committed by a foster child in his or her care, unless a court determines that the foster care provider acted negligently and that such actions were a cause of injuries, damages, or losses.

Specifies that if a plaintiff who is a biological or adoptive parent or other relative of the foster child successfully brings an action against a foster care provider, any monetary compensation received by the plaintiff shall be deposited in a trust account at a federally licensed and insured financial institution, subject to the jurisdiction of the court, to be held

in trust for the benefit of the foster care child.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

H.B. 00-1191 District court judges - salary - department of the treasury's authorization to withhold. Authorizes the department of the treasury to withhold the salary of a district court judge when the judge fails to rule in a timely manner if:

- An aggrieved party files a complaint with the commission on judicial discipline demanding the withholding of the judge's salary;
- The commission investigates the complaint;
- The commission makes a recommendation to the Colorado supreme court; and
- The supreme court issues an order directing the department of the treasury to withhold the judge's salary.

APPROVED by Governor March 17, 2000

EFFECTIVE March 17, 2000

H.B. 00-1208 Firearms manufacturers, importers, and dealers - civil suit - limitations. Prohibits any civil suit in tort, other than a products liability action, against a firearms or ammunition manufacturer, importer, or dealer for any remedy arising from any physical or emotional injury, physical damage, or death caused by the discharge of a firearm or ammunition, unless the plaintiff can prove by clear and convincing evidence that the damages were a result of the defendant's violation of a state or federal statute or regulation. Prohibits any type of action that would hold a firearms or ammunition manufacturer, importer, or dealer liable for the actions of another person. Instructs the court to dismiss any such prohibited civil action and to award reasonable attorney fees and court costs to each defendant named in the action.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

CRIMINAL LAW AND PROCEDURE

S.B. 00-14 Video-tape depositions - at-risk adult crime victims and witnesses. Permits the prosecution, in a criminal action involving an at-risk adult crime victim or at-risk adult witness, to file a motion for an order granting leave to take the deposition of such victim or witness and preserve the testimony on video tape. Requires the court to rule on the motion by making a preliminary finding whether, at the time of trial, the victim or witness is likely to be unavailable under the rules of evidence. Requires the court to base its finding on, at a minimum, recommendations from the victim's or witness' physician or any other person having direct contact with the victim or witness, and whose recommendations are based on specific behavioral indicators exhibited by the victim or witness. Requires a court making such preliminary finding to order that the deposition be taken and preserved on video tape. Requires that the defendant be given reasonable notice of the deposition and the opportunity to be present with counsel. Permits the court to admit the video tape of the deposition at trial if the court finds that the deponent is unavailable under the rules of evidence.

APPROVED by Governor April 13, 2000

EFFECTIVE April 13, 2000

S.B. 00-24 Sex offender registration requirement - exception - juveniles - misdemeanor sexual offenses. Grants the court discretion in applying the sexual offender registration requirements to any person who was 13 years of age or younger at the time of the commission of a misdemeanor offense of sexual assault in the third degree who has received a sex offender evaluation by an evaluator that recommends exempting the person from the registration requirements based upon the best interests of that person and the community. Specifies that the court shall make written findings of fact specifying the grounds for granting such an exemption.

APPROVED by Governor April 17, 2000

EFFECTIVE July 1, 2000

S.B. 00-47 Standardized screening process - mentally ill persons in the criminal justice system. Directs the director of the division of criminal justice within the department of public safety to ensure that the head of the department of psychiatry at the university of Colorado health sciences center, judicial department, the department of corrections, the state board of parole, the division of criminal justice in the department of public safety, the alcohol and drug abuse division within the department of human services, and the unit responsible for mental health services within the department of human services cooperate to develop a standardized screening process to detect mental illness in persons in the criminal justice system. Describes what the standardized screening procedure shall include.

Directs the judicial department, the division of youth corrections, the unit responsible for child welfare services, the unit responsible for mental health services, and the alcohol and drug abuse division within the department of human services, the division of criminal justice within the department of public safety, and the department of corrections to cooperate to develop a standardized screening process to detect mental illness in persons in the juvenile justice system. Describes what the process shall include.

Requires a joint report to the house and the senate judiciary committees regarding the procedures developed as a result of the act.

Repeals the act, effective July 1, 2002.

APPROVED by Governor March 29, 2000

EFFECTIVE March 29, 2000

S.B. 00-92 Probation supervision fees - standardization. Standardizes the adult probation fee at \$35 per month for the length of the ordered probation and eliminates the initial probation supervision fee. Clarifies that if the adult defendant receives probation supervision services from a private provider, requires payment of the fee directly to the provider.

Increases the amount of money credited to the offender services fund from 20% to 100% of any cost of care payments or probation supervision fees paid to the state from adult and juvenile offenders. Eliminates the amount of money credited to the general fund from any probation supervision fees paid to the state from adult or juvenile offenders.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-121 DNA testing - persons serving sentences - prior to execution. Expands the requirement for genetic testing to persons who were convicted of or pled guilty to specified violent or sexual crimes and who, as of July 1, 2000, were in the custody of the department of corrections, in a county jail or community corrections facility, or on probation or parole. Requires the genetic testing of any person prior to execution.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-154 Firearms - defenses - carrying while traveling. Changes the affirmative defenses to carrying a concealed weapon to exceptions. Recognizes carrying a weapon in a private car for lawful protection of person or property as a matter of statewide concern.

Prohibits any municipality, county, or city and county from enacting or enforcing any ordinance that would restrict a person's ability to carry a weapon in a private car for lawful protection while traveling into or through a municipal, county, or city and county jurisdiction.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-163 Drug courts - demonstration program - appropriation. Directs the state court administrator to select up to 3 judicial districts in which to establish a demonstration drug court program ("program"). Specifies that at least one of the selected judicial districts must be in a rural area and at least one of the judicial districts must be west of the continental divide. Establishes dates by which judicial districts shall apply and by which they shall be selected. Requires judicial districts selected to participate in the program to submit to the state court administrator annual reports that identify the effectiveness and the cost savings, if any, of the program. Requires the state court administrator to compile the reports and present the findings to the judiciary committees of the senate and the house of representatives.

Repeals the program, effective July 1, 2006.

Appropriates \$335,648 and 2.1 FTE from the drug offender surcharge fund to the judicial department for implementation of the act. Appropriates \$36,680 and 0.8 FTE from the drug offender surcharge fund to the public defender for implementation of the act. Conditions continuation of the program on funding being contained in the plan submitted for the use of moneys in the drug offender surcharge fund.

APPROVED by Governor May 4, 2000

EFFECTIVE May 4, 2000

S.B. 00-189 Grand jury proceedings - witness statements. Entitles a witness, or an attorney for such witness with the witness's written approval, to examine and copy a statement made to a law enforcement or prosecution office or made under an oath required by law prior to testifying before a grand jury.

APPROVED by Governor April 14, 2000

EFFECTIVE April 14, 2000

S.B. 00-192 Pretrial services programs - licensed bail bonding agent - reporting requirements. Requires each licensed bail bonding agent annually to submit a report to the division of insurance that includes identification of the names of persons for whom such bail bonding agent has become surety and who have failed to appear. Directs all pretrial services programs to report certain information to the state judicial department rather than to the chief judge of the judicial district. Specifies that any pretrial services program is not eligible for further program funding if the program failed or neglected to provide required reports to the state judicial department and the judiciary committees of the senate and the house of representatives.

APPROVED by Governor June 2, 2000

EFFECTIVE June 2, 2000

S.B. 00-208 No-knock search warrants - issuance - requirements - study. Requires an affidavit for issuance of a search warrant that will be served by entry without prior identification ("no-knock warrant") to:

- Specifically request issuance of the no-knock search warrant;
- Be reviewed, approved, and signed by a district attorney; and
- If based on information provided by a confidential informant, include a statement regarding when the grounds for issuance of the warrant became known to or were verified by the affiant.

Requires the district attorney in each judicial district to review and evaluate each affidavit for issuance of a no-knock warrant and provide legal advice regarding the affidavit to the peace officer submitting the affidavit. Requires a district attorney to indicate approval of the affidavit by signing and dating the affidavit. Provides immunity from liability for district attorneys for good faith performance of the review. Does not extend the immunity to charges of perjury or false swearing.

Instructs the division of criminal justice in the department of public safety to review policies relating to the issuance and use of no-knock search warrants and submit a report to the general assembly and the governor by January 1, 2001.

APPROVED by Governor May 19, 2000

EFFECTIVE July 1, 2000

H.B. 00-1107 Criminal law - substantive changes - appropriation. Expands the crime of escape to include escape while in custody following conviction for violation of a municipal ordinance. Clarifies that a tool or instrument that could be used to cut fence or wire is within

the definition of contraband in prison facilities. Clarifies that the crime of second degree assault on specified persons while in lawful custody requires the defendant knowingly to apply physical force.

Adds offering a false document for recording and criminal impersonation to the list of crimes that may form the basis of a prosecution under the "Colorado Organized Crime Control Act".

Adds to the crime of harassment, using a computer, computer system, or computer network to make a harassing or threatening communication. Specifies new elements and levels for the offense of computer crime.

For various crimes involving the use of a deadly weapon, raises the penalty if a person commits the crime by using an article in such a manner as to cause a person to reasonably believe that it was a deadly weapon or by representing that the perpetrator is armed with a deadly weapon. Changes from a class 2 misdemeanor to a class 6 felony the offense of unlawful possession of a weapon on school grounds. Repeals the special offender mandatory sentence for such offense.

Changes dronabinol from a schedule II controlled substance to a schedule III controlled substance. Adds ketamine as a schedule III controlled substance, and repeals the separate offenses relating to ketamine. Adds zaleplon as a schedule IV controlled substance. Clarifies that the commission of specified drug offenses near schools and public housing projects requires the judge to sentence the defendant to a term of imprisonment of at least the minimum term within the presumptive range but not more than twice the maximum term within the presumptive range. Repeals specific language making aiding, abetting, or advising another to distribute a schedule I or II controlled substance one of the aggravating factors for a special offender.

Adds an off-highway vehicle operated on a street or highway to the definition of a motor vehicle for purposes of drunk driving and reckless driving offenses and loss of license for vehicular homicide. Eliminates creating a substantial risk of bodily injury to another as an element of vehicular eluding. Conforms the definition of "serious bodily injury" for traffic accidents to the criminal definition.

Clarifies language that the crime of aggravated driving with a revoked license applies to operating, rather than being convicted of operating, a vehicle while under revocation. Adds vehicular eluding to the list of crimes that, if committed while driving under a revoked license, constitutes aggravated driving.

Combines first and second degree sexual assault into a single crime of sexual assault.
Renames third degree sexual assault as unlawful sexual contact.

Repeals language referring to abusing or threatening a person in a public place in an offensive manner as an element of the crime of disorderly conduct.

Includes intentionally causing a benefit for another as a potential element of the crime of official misconduct.

Makes a 5-year statutory appropriation.

APPROVED by Governor May 23, 2000

EFFECTIVE July 1, 2000

H.B. 00-1111 Identity theft - operation of internet sites for the distribution of document-making implements - appropriation. Finds that identity theft is a growing problem in Colorado. Finds that no existing criminal provision adequately allows Colorado prosecuting attorneys to prosecute persons using the internet and other mediums for the forgery of identity documents.

Criminalizes the making, completing, altering, uttering, or possessing of false identification documents or document-making implements.

Defines the terms "document-making implement", "identification document", and "produce".

Removes driver's license or identification card numbers from parking placards for persons with disabilities. Requires the department of revenue to issue each parking placard with a number that corresponds to identifying information for the owner of the placard. Restricts access to identifying information of the owner of a placard to law enforcement and the department of revenue.

Makes a 5-year statutory appropriation.

APPROVED by Governor May 19, 2000

EFFECTIVE July 1, 2000

H.B. 00-1113 Perjury and false swearing - previous criminal action. Narrows the prohibition against a criminal prosecution for perjury based on the defendant's false statement denying guilt in a previous criminal action to prohibit a perjury prosecution only if it is based

on entry of a plea of not guilty.

APPROVED by Governor March 10, 2000

EFFECTIVE July 1, 2000

H.B. 00-1114 Criminal justice records - confidentiality - permits for concealed weapons. Requires information that identifies holders of concealed weapons permits to be kept confidential by the law enforcement agency issuing the permit and by any custodian of criminal justice records. Permits such information to be released to a criminal justice agency. Includes materials and records concerning a concealed weapon permit within the definition of "criminal justice records" for purposes of the provisions concerning release of criminal justice records. Excludes such materials and records from the operation of the open records laws. Requires information identifying a concealed weapon permit holder to be deleted from a criminal justice record prior to release of the record. Permits such information to be included in a released criminal justice record if the concealed weapon permit holder has been convicted of a crime involving the illegal use of a firearm.

VETOED by Governor May 26, 2000

H.B. 00-1158 Domestic violence - habitual offender - restraining orders - domestic abuse voluntary contribution - appropriation. In cases in which a criminal defendant has been convicted on or after July 1, 2000, of an offense which would otherwise be a misdemeanor, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, and that person has been convicted 3 times previously of a felony or misdemeanor or municipal ordinance violation, the underlying factual basis of which was found by the court on the record to include an act of domestic violence, such person shall be convicted of a class 5 felony and sentenced pursuant to the class 5 felony presumptive range.

Makes any violation of a restraining order to protect a person from imminent danger to life or health a crime of violation of a restraining order.

Corrects a reference to the crime of "harassment by stalking" by changing it to the crime of "stalking".

Repeals that portion of law making civil restraining orders inapplicable to claims of domestic abuse against a juvenile and authorizes the entry of such a permanent civil restraining order against a juvenile who is 10 years of age or older. Specifies that it is not necessary to re-serve the defendant prior to making a civil temporary restraining order permanent if the defendant was properly served with the temporary restraining order and the

citation to show cause and if the defendant fails to appear at the show cause hearing. Identifies the proper venues for filing a motion or complaint for a civil restraining order.

Continues the voluntary tax check-off contribution for the domestic abuse program until January 1, 2007.

For fiscal year 2000-01, appropriates \$625,203 from the capital construction fund to the corrections expansion reserve fund for the implementation of the act. Makes a 5-year statutory appropriation.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

H.B. 00-1166 Additional DNA testing requirements - county jail or community corrections - burglary - direct discharge - appropriation. Requires all persons sentenced to county jail or community corrections for specified crimes committed on or after July 1, 2000, to have their blood tested for genetic markers. Includes within the list of crimes requiring testing of blood for genetic markers as a condition of probation, convictions for second or third degree burglary for offenses committed on or after July 1, 2000. Requires the department of corrections to have inmates' blood tested for genetic markers for all persons convicted of second or third degree burglary or sentenced as habitual offenders for offenses occurring on or after July 1, 2000, and all persons discharged from the department of corrections who are not placed on parole.

Appropriates \$11.979 to the judicial department for the implementation of the act. Appropriates \$288,595 and 1.0 FTE to the department of public safety, for allocation to the Colorado bureau of investigation, for the implementation of the act.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

H.B. 00-1169 Restitution - assessment - collection - appropriation. Requires every order of conviction for a felony, misdemeanor, petty, or traffic misdemeanor offense to include an order for restitution or a specific finding that there is no victim with a pecuniary loss. Permits a restitution order to be modified if additional victims or losses are later discovered or to be decreased with the consent of the prosecutor and victim. Establishes that restitution orders:

- Are final civil judgments that remain in effect until paid in full;
- Include future interest, attorney fees, and costs;

- Operate as a lien on all personal property;
- Are considered "willful and malicious" injury for purposes of exceptions to discharge in bankruptcy under federal law; and
- Are joint and several obligations of defendants who caused the same pecuniary loss.

Except for defendants sentenced to the department of corrections, if the defendant does not immediately pay the full amount of restitution due, requires the defendant to appear before a collections investigator and pay a \$25 time payment fee. Authorizes the investigator to conduct an investigation into the financial circumstances of the defendant. In the case of a juvenile defendant, allows the collections investigator to investigate the financial circumstances of the juvenile and of the juvenile's parents or legal guardian. Allows the investigator to direct that restitution be paid immediately or to establish a payment schedule. Authorizes the investigator to obtain and file without cost, certified copies of the order with the local county clerk and recorder, the central indexing system board, or the division of motor vehicles. Authorizes the collection of a \$20 bad check fee.

Requires the investigator to monitor the payments and modify the schedule if the defendant's financial circumstances change. Whenever a defendant is 5 or more days late with a payment, authorizes:

- A \$10 late payment fee;
- An additional financial investigation;
- An attachment of earnings;
- Any other civil process to collect a judgment;
- Issuance of a notice to show cause and authorized penalties for the defendant's willful failure to pay restitution; or
- Referral of the matter to a private collection agency that may charge a fee of up to 25% of the remaining amount due.

Authorizes the department of corrections to conduct financial investigations and to establish payment schedules for defendants sentenced to its custody. Upon parole, authorizes the department of corrections to contract with the judicial department or private collection agencies to collect on past due orders of restitution.

Authorizes the victim to collect restitution in his or her own name and to employ some of the remedies available to collections investigators. If the victim cannot be found or declines to accept restitution or if restitution lays unclaimed for a period of 2 years or more, directs that such amounts be paid to the victims and witnesses assistance and law enforcement fund and to the crime victim compensation fund in the judicial district in which

the crime occurred. Directs the administrators of the funds in each judicial district to decide annually how such payments will be divided between the funds. Specifies the order of payment of fines, fees, and restitution.

Removes the discretion of a court not to assess restitution against a juvenile if to do so would cause serious hardship or injustice. Increases the total amount for which a parent or legal guardian may be liable for restitution from \$3,500 to \$25,000 for any one delinquent act. Authorizes intermediate sanctions for persons on parole who fail to pay restitution.

Appropriates \$251,977 and 6.4 FTE to the judicial department and \$72,215 and 1.0 FTE to the department of corrections. Adjusts the appropriation in the general appropriation act.

APPROVED by Governor May 26, 2000

EFFECTIVE September 1, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1201 Firearms - possession by previous offenders - consecutive sentence - parole officer requirements - non-bailable offense - appropriation. Increases the penalty for possession of a weapon by a felon from a class 1 misdemeanor to a class 6 felony. Requires that any sentence imposed be served consecutively with any prior sentences being served by the defendant.

Requires the department of corrections to provide a written advisement to discharged inmates. Requires the written advisement and any written stipulation for deferred judgment and sentence entered into by a defendant to contain language specifying the prohibited acts and penalties described in the statutory provision concerning possession of weapons by previous offenders.

Makes possession of a weapon by a previous offender a non-bailable offense.

Requires that parole officers present all evidence in their possession to the district attorney for the purpose of prosecution, in addition to the required filing of a parole revocation complaint with the state board of parole, when any parolee is found in possession of a weapon.

Makes a 5-year statutory appropriation for implementation of the act.

APPROVED by Governor May 19, 2000

EFFECTIVE July 1, 2000

H.B. 00-1214 Firearms - unlawful purchase - "straw purchases" - posting requirement for dealers - penalties - appropriation. Makes it a class 4 felony for a person to purchase a firearm on behalf of or for transfer to a person whom the transferor knows or reasonably should know is ineligible to possess a firearm under federal or state law.

Requires firearms dealers to post a sign informing the public of the prohibition, and makes it a class 2 petty offense for failure to post such information, punishable by a fine of \$250.

Makes a 5-year statutory appropriation.

Applies to offenses committed on or after July 1, 2000.

APPROVED by Governor May 19, 2000

EFFECTIVE July 1, 2000

H.B. 00-1216 Criminal law - procedural changes. Expands the type of test to which a person may be ordered by a court to submit for HIV testing from a blood test to any diagnostic test that will identify the presence of HIV. Prohibits a jury from being instructed to return a guilty verdict on a lesser offense if any juror is convinced that the defendant is guilty of a greater offense that was submitted for the jury's consideration. Allows the racing commission to investigate activities of any person anywhere on the premises of a licensed racing facility, rather than just the racetrack.

Clarifies that videotaped statements from victims of child abuse may be admitted as evidence when such statements would qualify for admission under any statute or rule of evidence in addition to the statutory hearsay exception for child victims of unlawful sexual offenses. Clarifies that appeals may be taken from county court dismissals of charges after a preliminary hearing.

Specifies that the applicable period of limitations for commencing criminal proceedings shall not apply to charges brought to facilitate the disposition of a case or to lesser included or non-included charges given to the court or jury by the accused at a trial. Clarifies that a defendant charged with a class 4, 5, or 6 felony who is not otherwise entitled to a preliminary hearing may only request a preliminary hearing while he or she is in custody for the offense for which the preliminary hearing is requested.

Specifies, in cases in which a prosecutor refuses to prosecute a case, that no hearing is required in order for a judge to determine that prosecution is necessary and to order such prosecutor, or a special prosecutor, to prosecute the case. Allows an indictment to be filed against an unnamed offender if there is sufficient DNA evidence available to determine the identifying characteristics of the offender's genetic information.

APPROVED by Governor April 24, 2000

EFFECTIVE April 24, 2000

H.B. 00-1232 Sex offender registration - internet posting - images - appropriation. Requires the Colorado bureau of investigation ("CBI") to post on the internet identifying information, including a picture, of each person sentenced as a sexually violent predator.

When such an offender is being released from custody or jurisdiction, requires specified personnel to notify the CBI within 48 hours after receiving notice as to where the sex offender intends to reside and to provide to the CBI the identifying information to be posted on the internet.

Requires such an offender to produce or sit for a photograph or image and makes failure to do so a criminal offense.

Appropriates \$87,650 from the general fund to the department of public safety for implementation of the act.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

H.B. 00-1234 Death penalty - aggravating factors. Makes felony illegal possession of a weapon used to commit a class 1 felony an aggravating factor for purposes of imposing the death penalty.

APPROVED by Governor April 11, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

HB. 00-1239 Sex offender - against children - increase in sentence. Increases the term of sentence for any defendant convicted as an habitual sex offender against children to 3 times the maximum sentence otherwise specified for the felony or misdemeanor of which the

defendant is convicted. Requires a local law enforcement agency to release to residents of the jurisdiction information concerning registered sex offenders living within the jurisdiction, regardless of whether the local law enforcement agency determines the release is necessary for public protection.

Makes an exception to the requirement for a 5-year statutory appropriation.

APPROVED by Governor March 30, 2000

EFFECTIVE August, 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1243 Firearms - other than handguns - providing to juvenile - parental consent. Prohibits any person from selling, renting, or transferring ownership of a firearm other than a handgun, with or without remuneration, to a juvenile, or allowing unsupervised possession of a firearm other than a handgun by a juvenile without the consent of the juvenile's parent or legal guardian. Makes violation of the prohibition a class 1 misdemeanor.

APPROVED by Governor May 19, 2000

EFFECTIVE July 1, 2000

H.B. 00-1247 Firearms - handguns - permitting possession by a juvenile - appropriation. Makes it an offense for any person, not just a parent or legal guardian, to fail to make reasonable efforts to prevent a juvenile from committing a violation with a handgun or to provide a handgun to or permit a juvenile to possess a handgun even though he or she knows the juvenile is likely to use the handgun to commit an offense. Makes an exception if the person believes that the juvenile will physically harm the person if the person attempts to disarm the juvenile.

Makes a 5-year appropriation to the department of corrections for implementation of the act.

APPROVED by Governor May 19, 2000

EFFECTIVE July 1, 2000

H.B. 00-1260 Bail bond liability - exoneration. Requires any person executing a bail bond as principal or as surety to be exonerated after a period of 3 years from the posting of the bond, unless a judgment has been entered against the surety or the principal for the forfeiture of the bond. Grants the court discretion to extend the 3-year period for good cause shown,

upon motion by the prosecuting attorney.

APPROVED by Governor April 7, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1263 Domestic violence offender management board - creation - duties - repeal - appropriation. Creates and establishes membership on the domestic violence offender management board. Establishes duties of the board including:

- Adopting and implementing a standardized procedure for the evaluation and treatment of domestic violence offenders;
- Adopting and implementing standards for programs for the evaluation and treatment of domestic violence offenders;
- Developing and implementing an application and review process for such programs;
- Researching and evaluating the effectiveness of the procedures and standards adopted by the board;
- Developing with other departments criteria for measuring a domestic violence offender's progress in treatment; and
- Requiring referrals of complaints and grievances against such programs to the department of regulatory agencies.

After January 1, 2001, requires domestic violence offenders to be sentenced to complete a treatment program. Requires domestic violence treatment providers to conform with the standards adopted by the board. Repeals the local domestic violence treatment boards and the domestic violence treatment commission.

Appropriates \$130,128 and 2.0 FTE to the department of public safety for allocation to the division of criminal justice. Adjusts the appropriation in the general appropriation act.

APPROVED by Governor May 25, 2000

PORTIONS EFFECTIVE July 1, 2000
January 1, 2001

H.B. 00-1317 Sex offender - convicted in other states - temporary residents - release of information - prohibited sexual conduct with incarcerated persons - sex offender management board - DNA testing of juveniles - appropriation. Clarifies that a person is

required to register as a sex offender in Colorado if the person is required to register as a sex offender in another jurisdiction or has been convicted in another jurisdiction of an offense for which the person would be required to register as a sex offender in this state. Requires that the notice of the duty to register given to sex offenders upon release informs the sex offender of the duty to register in any state to which he or she may move and of the local law enforcement agency's duty to notify the new state. Shortens from 7 calendar days to 5 business days the time within which a sex offender must register after becoming a temporary or permanent resident of the state or after moving to a new jurisdiction within the state. Specifies that registration must occur within business hours. Requires sex offenders who are discharged from the department of corrections without supervision to register no later than the next business day following discharge.

If a sex offender lives in a group home or is a juvenile and resides with his or her parent or legal guardian and the sex offender moves to another jurisdiction without informing the local law enforcement agency, allows officials at the group home or the parent or legal guardian to provide information concerning the sex offender's change of residency to the local law enforcement agency. Requires the law enforcement agency that receives such notification to reflect the information in its records.

Clarifies that any person who is sentenced as a sexually violent predator has a duty for the remainder of his or her natural life to register with the local law enforcement agency of the jurisdiction in which he or she resides.

Identifies temporary residents of the state as those persons who are employed in the state for a specified minimum number of days during the year or are enrolled in any type of educational institution in the state. Requires the local law enforcement agency, when initially registering a temporary resident, to inform him or her of the duty to register in any state in which he or she is a temporary resident. For temporary residents, requires the sex offender registration form to include the person's address in the state of permanent residence and the person's place of employment in this state or the educational institution in which he or she is enrolled in this state.

Requires the Colorado bureau of investigation ("CBI") to develop one or more interactive data base systems to provide specified information to criminal justice agencies. Requires the CBI to transmit to the federal bureau of investigation, promptly upon receipt, the fingerprints and conviction data of persons convicted of unlawful sexual behavior.

Adds failure to complete and file a change of residency form to the list of actions that constitute the crime of failure to register as a sex offender. Requires, rather than allows, local law enforcement agencies, upon request, to release, at a minimum, basic identification

information and criminal history information concerning persons registered as sex offenders. In addition, specifies warning language that must be included with each release of sex offender information. Specifies that any adult who has more than one conviction of or adjudication for unlawful sexual behavior shall be subject to the sex offender registration requirements for the remainder of his or her natural life.

Makes it a felony for an employee of a correctional facility or jail to engage in sexual conduct with an incarcerated or jailed person. Requires any person convicted of engaging in sexual conduct under such circumstances to register as a sex offender. Makes an exception for actions performed to carry out the necessary duties of an employee of the correctional facility or jail.

Broadens the definition of "sex offender" for the purposes of provisions concerning the standardized sex offender treatment program to include:

- Any person who is convicted on or after July 1, 2000, of any criminal offense, the underlying factual basis of which involves a sex offense; and
- Any juvenile who is adjudicated or receives a deferred adjudication on or after July 1, 2002, for an offense that constitutes a sex offense or for an offense for which the underlying factual basis involves a sex offense.

Effective July 1, 2000, increases the number of members of the sex offender management board from 15 to 21 members to include members with expertise in treating juvenile sex offenders. Specifies the requirements and appointing authority for the additional members. Changes some of the requirements and appointing authority for existing members of the sex offender management board. Instructs the sex offender management board to develop procedures, guidelines, and a system for evaluating, identifying, and treating juvenile sex offenders and to research and analyze the effectiveness of the evaluation, identification, and treatment procedures and programs for juvenile sex offenders.

Requires juvenile sex offenders to pay a sex offender surcharge in the amount of half the surcharge that would be assessed against an adult offender for the same offense. Makes any juvenile who receives a deferred adjudication or is committed to the department of human services, sentenced to probation, or sentenced to the youthful offender system subject to DNA testing if the offense involved unlawful sexual behavior.

Clarifies that, for purposes of community notification of sexually violent predators, the sex offender management board shall adopt criteria to be applied by a local law enforcement agency in determining when, rather than whether, to carry out a community notification. Provides immunity for members of the sex offender management board

community notification technical assistance team and members of any local community notification team for acts committed in carrying out community notification of a sexually violent predator, so long as such acts were not grossly negligent or willful and wanton.

Requires any person who applies for placement on the list of persons who may provide sex offender treatment services to submit a complete set of fingerprints. Instructs the sex offender management board to forward the fingerprints to the CBI for a state and national criminal history record check.

For implementation of the act, appropriates \$4,620 to the judicial department, \$233,984 and 0.3 FTE to the department of public safety for allocation to the CBI, and \$127,872 and 1.7 FTE to the department of public safety for allocation to the division of criminal justice. Makes a 5-year statutory appropriation.

APPROVED by Governor May 25, 2000

EFFECTIVE July 1, 2000

H.B. 00-1330 Cruelty to animals - intentional torture or torment - exemptions. Requires, rather than permits, the court prior to the sentencing of any person convicted of an animal cruelty crime involving the intentional torture or torment of animals to order an evaluation of such person in order to assist the court in determining an appropriate sentence. Exempts wildlife nuisances from the sentencing provisions for animal cruelty crimes involving the intentional torture or torment of animals. Clarifies that the mandatory sentence for a second or subsequent conviction for committing cruelty to animals through the intentional torture or torment of an animal shall be a sentence of imprisonment within the statutory presumptive range for a class 1 misdemeanor.

APPROVED by Governor June 1, 2000

EFFECTIVE September 1, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1377 Crime victims - distribution of profits from crime - victims' rights - confidentiality of records. Restricts the process concerning the distribution of moneys payable from the profits of a crime under a contract between a person and a person convicted of a crime. Imposes a civil penalty for the failure to comply with the restrictions. Enables the attorney general to enforce violations of the restrictions. Modifies the requirements for the establishment and maintenance of the escrow account in which profits from a crime are deposited for the benefit of the crime victim.

Expands the scope of rights available to crime victims. Modifies the procedures for assuring the rights of crime victims. Makes confidential the records, documents, and information made by or in the possession of a crime victim compensation board or a district attorney concerning an application for victim's compensation.

APPROVED by Governor March 29, 2000

EFFECTIVE March 29, 2000

H.B. 00-1422 Animal cruelty prevention fund - control and use - repeal - transfer of appropriation. Substitutes the division of criminal justice for the department of agriculture as the entity responsible for the use of moneys in the animal cruelty prevention fund. Expands the use of those moneys to include the payment of the costs of court-ordered anger management treatment programs and other psychological evaluations and counseling for juveniles supervised in diversion programs. Extends the repeal dates for the provisions creating the animal cruelty prevention fund and imposing a surcharge upon a person convicted of an animal cruelty crime to July 1, 2005.

Transfers the \$10,000 appropriation in the general appropriations act for operating expenses from the department of agriculture to the department of public safety.

APPROVED by Governor May 30, 2000

EFFECTIVE September 1, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

EDUCATION - PUBLIC SCHOOLS

S.B. 00-4 Performance grant program - mathematics and science - retention of excess state revenues - school performance grant fund - referred measure. Refers to the voters of the state at the 2000 general election the question of whether the state shall be authorized to retain the lesser of \$50,000,000 in excess state revenues or all excess state revenues for the 1999-2000 state fiscal year and for 4 succeeding state fiscal years for the purpose of funding performance grants for school districts to improve academic performance.

If the voters approve, creates the school performance grant fund (the fund) in the state treasury and requires the state treasurer annually to transfer to the fund the lesser of \$50,000,000 or all excess state revenues that the state is authorized to retain for fiscal years 1999-2000 through 2003-04. Specifies that the transfers shall not be included in either state or local government fiscal year spending and that any transfer of revenue from the general fund to the fund is not an appropriation subject to the limitation on state general fund appropriations. Credits all interest earned on moneys in the fund to the fund and specifies that any moneys remaining in the fund at the end of any state fiscal year shall not revert or be transferred to the general fund.

Creates a performance grant review committee with the power to develop a performance grant application process through which school districts may apply for performance grants to fund programs that will improve academic performance in mathematics and science. Authorizes the committee to expend moneys from the school performance grant fund for performance grants for school districts to use to fund programs. Establishes the membership of the committee. Specifies the information school districts must include in grant applications. Requires the committee to consider specified criteria when considering a grant application, including criteria relating to the economic and academic status of the applicant school district, the likely effect of the applicable program on academic performance in mathematics and science, and the cost and cost-effectiveness of the applicable program.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvass of the votes is completed, whichever occurs earlier.

S.B. 00-39 Special building and technology fund - building security technology. Allows school districts to use moneys in the special building and technology fund for the purchase and installation of building security technology.

APPROVED by Governor March 31, 2000

EFFECTIVE March 31, 2000

S.B. 00-49 Special education funding - children with disabilities - appropriation. Adjusts the 2000 long bill by increasing the general fund appropriation to the department of education, for public school finance, special education - children with disabilities, by \$1,600,000 to implement section 22-20-114 (1) (b.8), as enacted by House Bill 00-1159, to provide more state funding to administrative units serving children with disabilities with no identifiable district of residence. Specifies that, if the additional amount appropriated by the act is more than actually needed to fully fund said section, the excess amount shall be distributed by the department of education for the regular special education - children with disabilities program.

Allows for the additional appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for further appropriation to the department of transportation for highway construction projects by \$1,600,000.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: (1) House Bill 00-1159 was signed by the Governor on April 28, 2000.

(2) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-98 Special building and technology fund - expenditures. Authorizes a school district to expend moneys in the school district's special building and technology fund for the maintenance of school structures in order to enhance the function, protect the value, and extend the economic life of the structures.

APPROVED by Governor March 30, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-124 Read-to-achieve program - board - fund - appropriation. Establishes in the department of education a read-to-achieve program through which grants may be made to public schools to fund intensive reading programs for early elementary school pupils whose skills are below the level established for pupils at their grade level. Creates and specifies membership and terms for members of a board to solicit and review grant applications.

Specifies minimum criteria for the board to consider in reviewing grants. Directs the board to submit to the state board of education a list of recommended schools to receive grants under the program. Requires the state board of education to approve or reject the entire list of recommended schools. Specifies additional requirements for schools to receive a subsequent grant.

Requires the read-to-achieve board to submit a report on or before February 4, 2004. Repeals the program on July 1, 2008, subject to a sunset review.

Establishes the read-to-achieve cash fund, and specifies that any unexpended moneys in the cash fund at the end of a fiscal year shall remain in the cash fund. Authorizes the state board of education to use up to 1% of the moneys in the cash fund for related expenses.

If a pupil is enrolled in a program after the 3rd grade level, authorizes the pupil to pass to the 4th grade for reading classes only if, at the end of the program, the pupil is assessed as reading at or above the 3rd grade level.

For the fiscal year beginning July 1, 1999, reduces by \$7,000,000 the amount of federal temporary assistance for needy families block grant funds appropriated to the short term works emergency fund in the department of human services. Replaces \$7,000,000 of general fund moneys appropriated to the department of human services for child welfare services with \$7,000,000 of federal temporary assistance for needy families block grant funds.

For the fiscal year beginning July 1, 1999, appropriates \$7,000,000 in general fund moneys to the read-to-achieve cash fund for implementation of the act.

APPROVED by Governor June 2, 2000

EFFECTIVE June 2, 2000

S.B. 00-133 School safety issues - safe school plan - reporting - information sharing - expulsion prevention programs - free speech limits - appropriation. Requires each school district board of education ("district board") to adopt a mission statement that makes safety a priority in each public school of the school district. Requires each district board to adopt a safe school plan, that includes a written conduct and discipline code that addresses several issues, including:

- A policy allowing teachers to remove disruptive students from the classroom, subject to due process requirements;
- Procedures for expulsion of habitually disruptive students;

- A policy concerning searches on school grounds;
- A dress code policy that may require students to wear a uniform.

Instructs each district board to adopt a policy requiring school principals to report specified information concerning the learning environment in the school, including demographic information, the average size of classes at the school, and information regarding discipline actions taken at the school. Requires each district board to compile the reports and make them publicly available.

Directs each district board to enter into agreements with law enforcement officials, the juvenile justice system, and social services to help maintain a safe school environment. Requires each district board to adopt the following policies:

- A crisis management policy;
- A policy requiring annual school building inspections;
- A policy to share and release information concerning students to the full extent allowed by state and federal law;
- An open school policy to allow parents and members of the district board reasonable access to observe classes, activities, and functions at each public school;
- A policy of screening licensed and nonlicensed employees for criminal activity.

Grants immunity from civil and criminal liability to teachers and other persons who act in good faith in implementing the safe school policies. Allows the state board of education ("state board") to withhold a school district's state share of total program funding if the school district is in willful noncompliance with the safe school reporting requirements.

Allows public schools and school districts to release information directly related to a student and maintained by a school or by a person acting for the school under conditions consistent with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA) and all federal regulations adopted in relation thereto. Specifically allows release of information:

- To other school officials of the school in which the student is enrolled or to officials at a school at which the student is seeking enrollment, if a reasonable effort is made to notify the student's parent or legal guardian;
- To state or local officials if the disclosure concerns the juvenile justice system and the system's ability to serve the student;
- To comply with a judicial order or lawfully issued subpoena, if a reasonable

- effort is made to notify the student's parent or legal guardian;
In connection with an emergency if necessary to protect the health or safety of the student or others.

Allows the principal of a school or the principal's designee access without a court order to juvenile court records of a juvenile who is or will be enrolled in such principal's school. Allows the principal of a school or the principal's designee access to a juvenile probation officer's records of a juvenile who is or will be enrolled in such principal's school. Requires the prosecuting attorney to notify the principal of a juvenile's school when a petition is filed in juvenile court against a juvenile enrolled in the school and to disclose information contained in the arrest and criminal records information pertaining to that juvenile.

Allows a district board to adopt a dress code policy for teachers and other school employees. Allows a school district to disclose specified performance or disciplinary records of a teacher to a school district at which the teacher has applied for employment.

Specifies that a school district may provide educational services, similar to those services provided to expelled students, for students who are at risk of suspension or expulsion from school ("at-risk students"). Expands the entities with which the school district may contract for such educational services to include charter schools and nonpublic, nonparochial schools, so long as the services provided by a nonpublic, nonparochial school have been previously approved by the state board. Allows any school district, charter school, nonpublic, nonparochial school, board of cooperative services, or pilot school providing services to expelled or at-risk students to apply for moneys through the expelled and at-risk student services grant program ("grant program"). If an expelling school district contracts with another entity for provision of educational services to expelled students, increases the amount of school district funding that the expelling school district must transfer to the other entity from 80% of the district per pupil operating revenues to 95% of the district per pupil revenues.

Requires the state board to adopt rules specifying criteria to be used to measure the effectiveness of educational services provided through the grant program. If a grant applicant has received funding through the grant program in the preceding 5 years, requires the grant applicant to provide information regarding the effectiveness of the applicant's educational services. Requires the state board to annually award at least 45% of the moneys appropriated to the grant program to applicants who provide services to students from multiple school districts.

States that any student enrolled in a public school may be subject to being declared an habitually disruptive student for purposes of suspension or expulsion. Requires each

student who is declared an habitually disruptive student and the student's parent, legal guardian, or legal custodian to be notified in writing and by telephone or other means of the definition of "habitually disruptive student" and the mandatory expulsion of such students. Repeals the requirement that an habitually disruptive student receive a remedial discipline plan prior to expulsion.

Specifies that students' rights of free expression do not extend to expression that threatens violence to property or persons.

Appropriates \$2,000,000 to the department of education for implementation of the provisions of the act concerning educational services for expelled and at-risk students.

APPROVED by Governor June 2, 2000

EFFECTIVE June 2, 2000

S.B. 00-160 Administrative personnel - qualifications for employment - exception from licensure. Allows the board of education of a school district to set its own qualifications for the hiring of administrators in the school district. Clarifies that licensure is not a condition of employment for administrators.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-181 K-12 capital construction - state assistance in funding construction projects - appropriation. Makes legislative findings concerning K-12 capital construction funding. Establishes 3 methods for providing state assistance to school districts for capital improvements as follows:

- Implements the constitutional provision allowing the state treasurer to loan money from the permanent school fund to school districts to fund capital construction projects. Requires the state treasurer to determine procedures for the making of loans subject to conditions established by statute. Authorizes the state board of education ("state board") to evaluate loan applications and to present the state treasurer with a prioritized list of districts to receive loans. Allows the state treasurer to determine the amount of the permanent school fund that can be loaned out and the interest rate to be charged on the loans.
- Establishes the school capital construction expenditures reserve and authorizes the state board to order payments from the reserve for capital expenditures of school districts that address immediate safety hazards or health concerns, that relieve excessive operating costs created by insufficient maintenance or

construction spending, or that relieve conditions that detract from an effective learning environment. Requires the appropriation of \$5,000,000 for the 2000-01 fiscal year into the reserve with the appropriation increased to \$10,000,000 for fiscal years 2001-02 through 2010-11. Transfers any moneys not expended from such reserve by March 15 of each fiscal year to the school construction and renovation fund to be used for grants to school districts for capital construction projects.

- Directs the appropriation of \$5,000,000 for the 2002-03 fiscal year to the school construction and renovation fund with the appropriation increased to \$10,000,000 for fiscal years 2003-04 through 2010-11. Authorizes the use of those moneys for grants to school districts for capital construction projects as currently authorized by statute. Directs the state board to determine the local match for each grant. Authorizes the state board to ask for assistance from other state departments and agencies in evaluating grant and loan applications. Modifies the information required of grant and loan applicants and the criteria to be used by the state board in determining the prioritized list of applicants. Requires submittal of the prioritized list to the capital development committee for determination of how many projects can be funded within the available appropriation.

Appropriates \$5,000,000 from the capital expenditures reserve to the department of education for the 2000-01 fiscal year.

Makes the creation of the school capital construction expenditures reserve and the appropriation of general fund moneys to the reserve and to the school construction and renovation fund contingent on a final state court order under which the state will provide financial assistance to school districts for capital construction (thus allowing the general fund appropriation to be made outside the state's statutory appropriations limit) and under which the *Giardino v. Colorado State Bd. of Education* lawsuit is dismissed.

APPROVED by Governor May 9, 2000

EFFECTIVE July 1, 2000

S.B. 00-186 Education reform - academic performance and improvement grades - school report cards - school improvement plans - independent charter schools - transportation tokens - school awards - new assessments - accountability - home-based educational programs - opt-in for human sexuality and reproduction classes - college sophomore assessment - repeals. Enacts education reform measures.

School report cards. Requires the department of education ("department") to

establish a state data reporting system, including computer capabilities and procedures, to produce school report cards. Specifies how the school academic performance and school improvement grades and the designations of school improvement will be calculated. Establishes the format of the school report cards.

Beginning August 2001, requires the department to deliver school report cards by August 15 of each year and requires the department to establish a web site on which school report card information will be placed. Authorizes the department to produce a school report card for a nonpublic school if the nonpublic school pays all costs associated with the report cards.

Authorizes the state board of education ("state board") to establish an assessment team for schools that receive an academic performance grade of "D". Requires other state departments and agencies to assist the department in coordinating services to such schools. Requires the state board to notify school districts by June 15 of any schools in the district that will receive an academic performance grade of "F". Authorizes the local school board to submit a school improvement plan and specifies when the state board may recommend that an "F" school be converted to an independent charter school. Requires the state board to notify the school district when a school within the district is entitled to an award under the school awards program.

Establishes as one of the duties of the commissioner of education, maintaining academic performance and safety environment records of all public schools. Prohibits the state board from waiving any requirements necessary to prepare the school report cards. Prohibits the state board from waiving requirements related to assessments and school report cards for charter schools.

Accreditation of school districts. Requires all school district accreditation indicators relating to statewide assessments to be consistent with the methodology for determining academic performance grades. Specifies that initial school district accreditation contracts shall take effect July 1, 2001.

Independent charter schools. Establishes a procedure for converting to independent charter schools those schools that receive a failing academic performance grade. Whenever the state board recommends that a school be converted to an independent charter school, requires the state board to issue a request for proposals. Requires the state board to specify what is to be included in the responses to the request for proposals. Establishes a review committee to review the requests for proposals and to make recommendations to the state board. Directs the state board to select one applicant to negotiate with the local school board for a charter for an independent charter school. Specifies the process for negotiating the

independent charter.

Requires the local board of education to grant a charter by May 30. If the school improves its academic performance grade to a "D" or better, authorizes the independent charter school and the local board to agree that the school may stay under the supervision of the district rather than converting to an independent charter school. Specifies the options available to an independent charter school at the end of the term of the independent charter. Specifies that other provisions of the "Charter School Act" apply to independent charter schools.

Transportation token program. Creates a program to provide transportation assistance for eligible students who attend a school that receives an academic performance grade of "D" or "F".

School awards program. Amends the excellent schools program as follows:

- Directs one-third of the moneys available for awards to schools that receive an overall standardized, weighted total score for academic performance that is within the top 8% of all public schools;
- Makes moneys available first to schools that in the previous year received an academic performance grade of "D" or "F" and an academic improvement grade of "A";
- Directs remaining funds to other schools whose overall standardized, weighted total score for academic performance improves the most.

Assessments. Expands the Colorado student assessment program so that all students enrolled in public schools will take assessment tests in reading, writing, and mathematics every year from third grade through tenth grade. Requires all eleventh grade students enrolled in public schools to take a college entrance examination. Specifies those students whose grades are not counted for school report cards or accreditation.

Local accountability. Requires the board of education of each school district to appoint or create a process for the election of a school district accountability committee. Specifies the membership of the school district accountability committee. Waives this requirement for any school district that established a comparable committee prior to January 1, 2000. Requires the school district accountability committee to consult with school advisory councils before making recommendations to the state board.

Requires each public school to establish a school advisory council, and specifies membership on the council. Waives this requirement for any school that established a

comparable council prior to January 1, 2000. Establishes duties and a minimum number of meetings for school advisory councils.

Requires any pilot program established by the state board to focus on basic skills.

Non-public home-based educational programs. Authorizes parents who are providing a non-public home-based educational program to their children to report to any school district in the state, not just the school district in which they reside. Specifies that test scores for a child participating in a non-public home-based educational program shall not be considered for awarding school academic performance grades or accreditation. Requires the consent of the parent for determining placement of a child in a grade level whenever the child returns to public school. Specifies how a child participating in a non-public home-based program can participate in extracurricular or interscholastic activities at a public or private school.

Comprehensive health education. Requires prior written approval from a parent or guardian before a student can participate in a program discussing sexuality and human reproduction. As part of the law-related education program, requires instruction on the United States Constitution and the Declaration of Independence. Repeals the recommendation for the D.A.R.E. program as part of the law-related education program.

College sophomore assessment examination. Authorizes the Colorado commission on higher education to administer, during the spring semesters of 2000 and 2001, a standardized, college-level assessment to students at one or more state-supported institutions of higher education during the second year of postsecondary education. Requires a report and a decision item if the test is to be administered in fiscal years thereafter.

Repeals. Repeals the authority of the state board to temporarily waive regulatory requirements. Repeals school district capital improvement zones. Repeals the duty of the state board to analyze the use of technology in schools and whether the education system addresses diverse learning needs and to make recommendations for incentives for school districts to achieve academic excellence. Repeals the requirement for an annual public meeting to discuss the effectiveness of standards-based education. Repeals the public education incentive program. Repeals the limitation that not more than 24 hours per year may be spent on parent-teacher conferences and in-service programs.

APPROVED by Governor April 10, 2000

EFFECTIVE April 10, 2000

S.B. 00-195 Professional competencies - subject matter - special waiver - teacher

preparation programs - nonpublic institutions - minimum hours. Requires the state board of education ("state board") to identify by rule those professional competencies required of applicants for provisional teacher licenses and professional teacher licenses. Limits those professional competencies to the scope of the subject matter to be taught and specifically to the state model content standards.

Upon application of a school district or board of cooperative services, allows the state board to grant a waiver of the requirement that applicants for provisional teacher licenses demonstrate professional competencies. Such a waiver may be granted by a two-thirds vote of the state board if it is demonstrated that:

- The license applicant is employed under an authorization issued by the department of education;
- Enforcement of the requirement would cause extreme hardship to the school district, the board of cooperative services, or the license applicant; and
- Documentary evidence shows that the applicant's skill level is comparable to the skill level of an applicant who has successfully demonstrated professional competencies.

Clarifies that teacher preparation programs provided by nonpublic institutions of higher education shall be approved if, in addition to current requirements, the program contains a requirement of a minimum of 800 hours of supervised, field-based experience.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1040 Waiver of statutes and rules - exceptions - request by school district or principal - notice and hearing - duration. Repeals and reenacts the provisions allowing waivers of statutory and regulatory requirements imposed on school districts. Allows the state board of education ("state board") to grant a waiver if it determines that the waiver would enhance educational opportunity and quality within the school district and that the costs of complying with the requirements for which a waiver is requested significantly limit educational opportunity within the school district. Requires any school district applying for a waiver to specify how it will comply with the intent of the waived statute or rule. Prohibits the state board from granting waivers of the public school finance act or the exceptional children's educational act.

Permits a principal of a public school to initiate a request for a waiver. Allows the school district to either adopt such request and forward it to the state board or not adopt the request. Limits the scope of the request to the specific school where the request

originated, unless otherwise designated by the school district. Requires any school district with a funded pupil count of 3,000 or more pupils to include with the waiver application evidence of the consent of a majority of the accountability committee, the licensed administrators, and the teachers.

Requires a school district board of education, in applying for a waiver, to adopt, in a public meeting that includes a public hearing, a resolution stating the intent to apply for a waiver and specifying the statutes and rules for which a waiver will be requested. Requires the school district to post notice of such meeting and publish such notice in a newspaper in the county. Requires the school district board of education to meet and consult with the school district accountability committee at least 60 days prior to the public meeting and hearing.

Specifies that a waiver shall remain in place until the school district holding the waiver requests revocation or until the state board of education receives evidence of good and just cause for revocation. Directs that, if the state board of education revokes a waiver, the revocation must occur in a public meeting and hearing. Clarifies that waivers requested by charter schools are governed by the applicable provisions of the charter school act.

APPROVED by Governor May 15, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1124 Charter school building - planning and siting - public school bonds or loans - capital expenditures. Clarifies that all decisions regarding the planning, siting, and inspection of charter school facilities are made in the same manner as decisions regarding the planning, siting, and inspection of public schools generally and as specified by contract with the school district. Sets forth the time frame for submission of a site development plan and review and comment on the plan, including a public hearing, if any.

Limits the bringing of legal actions questioning the legality of school bonds or loans to within 30 days after the bonds are authorized or a loan is executed. Clarifies that the definition of "capital outlay expenditures" applies to expenditures by purchase or lease and includes software licensing agreements. Specifies that "equipment" includes items set forth in the administrative financial policies and procedures handbook.

Allows expenditures from the capital reserve fund for installment purchase agreements and leases with an option to purchase entered into by a charter school and for leasing agreements without an option to purchase entered into by a school district or a charter school. Allows expenditures for software licensing agreements in excess of \$1,000.

APPROVED by Governor May 12, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1136 Learning improvement grant program - creation. Creates the learning improvement grant program to provide grants to schools for programs designed to enhance the literacy and reading comprehension skills of early elementary school students. Authorizes the read-to-achieve board ("board") to award the grants. Specifies some criteria for awarding grants and authorizes the board to adopt additional criteria. Directs the department of education to report to the education committees of the senate and the house of representatives on the effectiveness of the programs that receive grants. Instructs the department of education to seek any available funding for literacy programs. Creates the learning improvement fund for funding literacy programs.

APPROVED by Governor June 2, 2000

EFFECTIVE June 2, 2000

H.B. 00-1151 Professional educator licenses - issuance to holders of out-of-state licenses or certificates - comparable standards - experience. Permits the state board of education to grant professional licenses to teachers, special services providers, principals, and administrators if:

- The applicant is from another state and held a comparable license in the other state;
- The standards for the comparable license or certificate in the other state meet or exceed the standards for such a license in Colorado; and
- The applicant has had at least 3 years of continuous, successful, evaluated experience as a teacher, special services provider, principal, or administrator, as the case may be, in an established elementary or secondary school and can provide documentation of such experience on forms provided by the department.

Clarifies that such applicants need not have:

- Completed an approved induction program;
- Held a provisional license in the field; or
- Demonstrated professional competencies in subject areas as specified by rule of the state board of education.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1159 School finance - study of funding education programs for children with disabilities - special education funding - appropriation. Increases statewide base per pupil funding from \$3,878 to \$4,001.70. Changes the calculation of the minimum per pupil funding for the 2000-01 budget year and years thereafter. Provides that no district shall have a size factor of less than 1.0194 for the 2000-01 budget year and a size factor of less than 1.0268 for the 2001-02 budget year. Further modifies the size factor table for the 2002-03 budget year and budget years thereafter. Changes the calculation of a district's cost of living factor for the 2000-01 budget year and budget years thereafter. Changes the calculation of a district's at-risk factor to provide that districts with a funded pupil count of greater than 50,000 will receive a higher factor. Makes an additional appropriation to the department of education of \$8,963,832 to fund the school finance act for the 2000-01 fiscal year (this amount is in addition to the appropriation for school finance in the long bill).

Clarifies that school districts are not authorized to seek voter approval to impose additional mill levies except as authorized in the "Public School Finance Act of 1994" and that voter approval to receive additional revenues within its constitutional fiscal year spending limitations does not constitute voter approval to exceed said mill levies specified under the act.

Requires the department of education to conduct a study of funding education programs for children with disabilities and to report its findings, including any recommendations for legislation, to the general assembly by October 1, 2000. Makes an appropriation of \$50,000 to the department of education to fund the study.

For the 2000-01 budget year and budget years thereafter, provides that \$500,000 will be distributed to administrative units serving children with disabilities with no

identifiable district of residence. Appropriates such amount to the department of education for the 2000-01 fiscal year.

Provides additional moneys to fund the school finance program for the 2000-01 fiscal year by:

1) Transferring an amount not to exceed \$2,000,000 to the state public school fund that would otherwise revert to the general fund at the end of the 1999-2000 fiscal year; and

2) Appropriating \$550,000 of general fund moneys that otherwise would be appropriated to the capital construction fund for further appropriation to the department of transportation for highway construction projects.

APPROVED by Governor April 28, 2000

EFFECTIVE April 28, 2000

H.B. 00-1173 Teachers - development activities - grant program - appropriation. Creates the teacher development grant program ("grant program") to provide moneys to schools for use in providing a teacher development schedule of activities. Specifies that teacher development activities shall be research-based activities that have been proven effective in improving teacher skills.

Beginning October 1, 2000, instructs the state board of education ("state board") annually to award teacher development grants to selected schools. Specifies that each grant shall continue for 2 years, subject to a one-year progress review. Limits each 2-year grant to a maximum of \$20,000. Allows a school to reapply upon expiration of a grant. Requires the state board to adopt rules for implementation of the grant program. Instructs the department of education ("department") to solicit public and private moneys for implementation of the grant program.

Allows any public school to participate voluntarily in the program by submitting a grant application. Requires a school, prior to submitting the application, to submit information concerning the proposed teacher development activities to the board of education of the school district in which the school is located. Requires the board of education to provide a statement of support or opposition for the application, including reasons underlying the board's support or opposition. Specifies the minimum information to be included in the grant application.

Creates the teacher development advisory council ("council"), appointed by the

governor with the consent of the senate, to review the applications received and to submit a list of recommendations to the state board concerning selection of grant recipients. Identifies membership of the council. Requires the state board to either accept or reject the entire list of proposed grant recipients. Upon rejection of the list, allows the council to submit a replacement list. Specifies the criteria that the council shall apply in selecting recipients. Prohibits the council from awarding a grant to a school that has made ineffective use of federal funds. Directs the council to review the annual progress reports submitted by grant recipients and to make recommendations to the state board concerning any recipients whose grant should be discontinued for failure to make adequate progress in achieving the goals identified in the grant application.

Requires each grant recipient to submit to the department a progress report after the first year of the grant and a final report upon expiration of the grant specifying the progress made in achieving the goals identified in the application. Specifies the minimum required contents of the reports. On or before January 15, 2002, and on or before each January 15 thereafter, instructs the department to submit to the governor, the education committees of the senate and the house of representatives, the council, and the board of education for each school district in which a grant recipient is located a state report on the grant program. Specifies the contents of the report. Creates the teacher development fund for payment of teacher development grants.

Appropriates \$2,000,000 to the teacher development fund for implementation of the grant program.

APPROVED by Governor June 2, 2000

EFFECTIVE June 2, 2000

H.B. 00-1202 Public schools - release of student information - surveys - parental consent. Requires school districts to comply with the federal "Family Educational Rights and Privacy Act" regarding education records of students. Prohibits school districts from releasing education records or directory information of a student without first receiving written consent of the student's parent or legal guardian.

Directs school districts to comply with the federal "Family and Educational Rights and Privacy Act" regarding surveys, analyses, or evaluations given to students. Requires a school or school district employee who requires participation in a survey, analysis, or evaluation in a public school's curriculum or other school activity to obtain the written consent of a student's parent or legal guardian before administering the survey, analysis, or evaluation designed to reveal certain information. Requires a parent or legal guardian to be given two weeks' notice to obtain information about the means, purposes of, and

access to the information derived from the survey, analysis, or evaluation. Excepts from the notice provisions: Public school employees releasing information in connection with an emergency, child abuse reporting requirements, or a court order; students preparing or participating in an survey, analysis, or evaluation while working under the supervision of a journalism teacher or sponsor; and health professionals acting as agents of a school district who are evaluating an individual child.

Requires a school district to provide a notice containing specified information to parents and legal guardians at the time of requesting consent for release of information. Limits the consent of a parent or legal guardian to the specific instance for which it was given. Requires the school district to retain consent forms.

Requires each school district annually to send notice of rights under the act to each student's parent or legal guardian. Specifies that any right accorded to a parent or legal guardian pursuant to the act transfers to the relevant student when the student attains 18 years of age.

Allows the department of education to suspend or revoke, for a period not less than 90 days, a license, certificate, endorsement, or authorization of an individual found by the state board to have violated the privacy rights established by the act.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1219 School district accreditation - rules. Repeals the statutory provisions specifying standards and procedures for accrediting public schools and school districts, and replaces them with a general directive to the state board of education ("state board") to accredit school districts. Requires that the school districts submit recommendations for improvements in education, based on goals and objectives adopted by the state board. Directs each building advisory accountability committee or school advisory council to adopt goals and objectives pursuant to a charge and time lines developed by the school district board of education.

Requires the state board to adopt rules to administer the accreditation process. Requires such rules to be consistent with baseline performance years and the methodology for calculating academic performance grades for schools and to consider school district performance on statewide assessments and district progress in meeting

goals and objectives. Clarifies that statewide assessments are not to be the sole indicator for determining accreditation. Directs the state board to adopt the state goals and objectives before January 1, 2001, and to consider the state model content standards and state assessments when adopting such goals and objectives.

VETOED by Governor May 26, 2000

H.B. 00-1222 School districts - hiring of nonlicensed employees during critical shortages - retirement benefits - employer contributions - PERA requirements. Empowers a school district board of education to adopt a resolution, effective for up to one year, declaring a critical shortage of nonlicensed employees. Permits a school district, after adoption of the resolution, to hire persons receiving retirement benefits from the public employees' retirement association ("PERA") or from the public school teachers retirement fund or the school district retirement plans, as nonlicensed employees. Permits the nonlicensed employees hired to receive a salary from the school district without a reduction in the retirement benefits such persons already receive from PERA, the public school teachers retirement fund, or a school district retirement fund. Requires a school district to make employer contributions on such salaries under certain circumstances. Exempts PERA service retirees hired as nonlicensed employees pursuant to a critical shortage resolution from PERA membership requirements. Prohibits a PERA benefit recalculation upon the termination of any such PERA service retiree's employment.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

H.B. 00-1251 Magnet school - repeal of planning board. Sunsets the magnet school planning board.

APPROVED by Governor March 24, 2000

EFFECTIVE July 1, 2000

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 00-61 Commission on higher education - nonprofit corporations - science and technology - open meetings - open records. Authorizes the Colorado commission on higher education ("CCHE") to incorporate nonprofit corporations for the purpose of developing discoveries and technology from science and technology research. Permits CCHE to transfer to such nonprofit corporations all rights to discoveries resulting from such research. Requires CCHE to enter into an agreement with such corporations regarding the terms for remuneration. Holds CCHE harmless for any liability incurred by such nonprofit corporation. Generally applies the provisions of state law regarding open meetings and open records to these new nonprofit corporations. Creates a new justification for going into executive session to discuss certain privileged or confidential information with respect to such a nonprofit corporation.

APPROVED by Governor April 13, 2000

EFFECTIVE April 13, 2000

S.B. 00-64 Enterprise status of student loan division - expiration - repeal. Repeals the expiration of the enterprise status designation of the student loan division in the department of higher education.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

S.B. 00-117 Tuition assistance - dependents of deceased or permanently disabled national guardsmen, law enforcement officers, and firefighters - appropriation. Authorizes a dependent of a deceased or permanently disabled national guardsman, law enforcement officer, or firefighter, regardless of the dependent's age, to be permitted to pursue studies, free of tuition and room and board charges, leading toward the dependent's first bachelor's degree or certificate of completion upon being accepted for enrollment into any state institution. Requires, as a condition of continued assistance, that the dependent maintain a cumulative grade point average of at least 2.5 on a 4.0 scale. Limits the length of assistance receipt to 6 years from the date of enrollment.

Allows dependents pursuing studies at a nonpublic institution of higher education within the state to receive the assistance, but limits assistance to the average tuition and room and board costs at a comparable state institution during the previous year. Also permits students attending an out-of state institution to receive tuition assistance, not to exceed the average cost at a comparable state institution during the previous year, but not room and board assistance.

Directs the Colorado commission on higher education, rather than the state institutions, to provide tuition and, if appropriate, room and board assistance to such dependents through appropriated student financial assistance funds.

Repeals provisions granting financial assistance for a dependent of a deceased or permanently disabled national guardsman, law enforcement officer, or firefighter in the form of purchase of an advance payment contract, a savings contract, or an account through the college savings program.

Appropriates \$57,274 to the Colorado commission on higher education within the department of higher education for the provision of financial assistance to dependents eligible under the act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

S.B. 00-164 Colorado student obligation bond authority - transfer - board - property - CSOBA fund - enterprise status - prepaid expense program - prepaid expense trust fund - investment of funds by treasurer - prepaid expense program promotion - college savings program. Transfers the CSOBA to the department of higher education ("department"), as a division thereof. Specifies that the CSOBA shall exercise its powers, duties, and functions under the department as if it were transferred by a **type 2** transfer. Provides for the employment of personnel necessary to operate the CSOBA, and specifies that such personnel are exempt from the state personnel system.

Transfers the current board of directors of the CSOBA ("board") to the CSOBA in the department. Maintains the existing structure of the board and sets forth certain organizational and administrative duties and procedures of the board.

Transfers all property and funds of the currently existing CSOBA to the CSOBA in the department. Provides that any contractual designation or statutory reference to the currently existing CSOBA or its board of directors, on and after the transfer, shall be deemed to apply to the CSOBA in the department or, as applicable, to the board. Specifies that no suit, action, or other judicial or administrative proceeding commenced prior to the transfer, by or against the currently existing CSOBA, its board, or any officer thereof, shall abate by reason of the transfer of the CSOBA to the department.

Creates the Colorado student obligation bond authority fund ("fund") in the state treasury. Directs that all moneys received or acquired by appropriation, grant, contract, or gift or by any other means, as well as any interest earned on such moneys, shall be credited

to the fund and are continuously appropriated to the CSOBA; except for amounts received in connection with the prepaid expense program and the savings program or moneys whose disposition is otherwise provided for by law or by a trust indenture. Allows moneys in the fund to be used for obligations incurred by the CSOBA in carrying out its statutory powers and duties and for salaries and operating expenses. Authorizes the state treasurer to invest any moneys in the fund that are not needed for immediate use by the CSOBA.

Identifies the CSOBA as an enterprise for the purposes of section 20 of article X of the state constitution as long as the CSOBA retains the ability to issue revenue bonds and receives less than 10% of its annual revenues in grants from governmental entities.

Grants to the executive director of the department of higher education the powers and duties not otherwise granted to the CSOBA and the powers and duties to oversee the CSOBA. Sets forth the general powers and duties of the CSOBA.

Directs the CSOBA to develop and administer the Colorado prepaid postsecondary education expense program ("prepaid expense program"). Repeals provisions concerning the Colorado postsecondary education expense savings program and the savings trust fund. Creates the Colorado prepaid postsecondary education expense trust fund ("prepaid expense trust fund"), and directs the state treasurer to invest moneys in the prepaid expense trust fund and to make disbursements from the prepaid expense trust fund in connection with the prepaid expense trust fund.

Transfers all moneys in the currently existing Colorado prepaid expense trust fund with the CSOBA transfer to the department of higher education. States that all moneys remitted by purchasers, receivables for moneys due to be remitted, and other moneys received by the prepaid expense program shall be transmitted by the authority to the state treasurer and credited to the prepaid expense trust fund. Requires the CSOBA to contract with a private consultant for an actuarial evaluation of the prepaid expense trust fund and to provide any evaluative report of the fund to the state treasurer. If the prepaid expense trust fund is determined not to be actuarially sound, directs the state treasurer to distribute the available assets of the fund. If the CSOBA calculates that an excess of assets exists in the prepaid expense trust fund, directs the CSOBA to pay out such excess upon distribution or retain such excess in a stabilization fund.

Identifies acceptable methods of investing funds of the CSOBA. Directs the department to adopt and prepare the annual budget of the CSOBA. Requires the CSOBA to design policies for the promotion of the prepaid expense program and the college savings program and for the disclosure of program-related information to purchasers, beneficiaries, account owners, and depositors. Identifies policy requirements. Identifies the powers and

duties of the CSOBA in administering the college savings program. Specifies that nothing in the college savings program administered by the CSOBA shall be construed to create an indebtedness, a debt, or a liability of the state.

Grants immunity from personal liability to members of the board and employees of the CSOBA on savings contracts. Requires that all moneys received by the college savings program be deemed trust funds. Exempts all moneys credited to or expended from the college savings program by or on behalf of an account owner, depositor, or designated beneficiary from all claims of creditors of any such person.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-176 Colorado educational and cultural facilities authority - educational and cultural facilities - eligibility for participation. Makes the following changes to the "Colorado Educational and Cultural Facilities Authority Act":

- Adds legislative findings and declarations relating to the types of educational facilities and cultural facilities eligible to be financed under the act and the benefits of the resulting employment opportunities to citizens of the state;
- Expands the definition of "cultural institution" to include certain entities that engage in cultural, intellectual, scientific, educational, or artistic enrichment inside or outside of Colorado through one or more affiliates;
- Adds to the definition of "facility", in the case of a participating educational institution, certain structures or buildings that are located inside or outside of Colorado and that are operated or financed by specified educational institutions;
- Adds to the definition of "facility", in the case of a participating cultural institution, certain property that is located inside or outside of Colorado and that is operated or financed by specified cultural institutions; and
- Adds to the definition of "educational institution" certain entities that provide or finance, directly or indirectly through one or more affiliates, an educational program or educational services inside or outside of Colorado.

APPROVED by Governor April 13, 2000

EFFECTIVE April 13, 2000

S.B. 00-183 Colorado institute of technology - established - board. Repeals and reenacts in a new location, with amendments, the statutory authority for the Colorado institute of technology ("institute"). Authorizes certain institutions and systems of higher education to

incorporate the institute as a nonprofit corporation. Specifies that the institute is not a governmental entity and is not subject to laws applicable only to governmental agencies, but is subject to the Colorado open records and open meetings laws.

Specifies the membership on the board of directors of the institute, and directs the board to establish policies and direction for the institute. Establishes a mission for the institute. Authorizes private entities and institutions of higher education to participate with the institute.

APPROVED by Governor March 8, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-207 Nursing scholarship program - appropriation. Makes the Colorado nursing scholarship program a permanent program by eliminating the provision that would have repealed the program on July 1, 2000.

Appropriates \$238,800 to the commission on higher education to fund the scholarship program for the 2000-01 fiscal year. Allows for the appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for further appropriation to the department of transportation for highway construction projects by \$238,800.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1122 Colorado school of mines - fund - creation - control and use - moneys invested. Creates the Colorado school of mines fund ("fund") to be administered by the board of trustees of the Colorado school of mines ("board"). Specifies that all moneys received by the board and all interest derived from those moneys are to be credited to the fund and are not to revert to the general fund at the end of any fiscal year. Specifies that the moneys in the fund are to be used in carrying out the statutory duties of the board. Permits the board to determine the amount of moneys that are not needed for immediate use and that may be invested by the treasurer. Clarifies that the proceeds from the sale or lease of lands belonging to the Colorado school of mines and the interest thereon are to be deposited in the fund.

APPROVED by Governor April 11, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1127 Fees - political activity or issue advocacy. Prohibits collection of a separate student fee or charge for an organization engaged in political activity or issue advocacy unless the student or parent affirmatively authorizes the payment of the fee.

APPROVED by Governor April 7, 2000

EFFECTIVE April 7, 2000

H.B. 00-1190 Colorado student obligation bond authority - bonds - maximum aggregate principal amount. Increases, from \$900 million to \$1.3 billion, the aggregate principal amount of outstanding bonds that may be issued by the Colorado student obligation bond authority for the purpose of purchasing or making student obligations or making authority loans.

APPROVED by Governor March 16, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1276 Colorado student obligation bond authority - confidentiality - records. Repeals and reenacts, with amendments, the confidentiality provisions specifically related to the Colorado student obligation bond authority ("authority") to state that all data, information, and records relating to the prepaid expense trust fund, the prepaid expense program, and the college savings program are public records; except that confidentiality extends to specified data, information, and records.

Allows the authority to disclose and provide the right of access to or inspection of data, information, or records to agents or representatives of professionals with whom the authority has contracted, or to the state treasurer, or to other third parties if the account owner and designated beneficiary, or the purchaser or purchasers of the advance payment contract, as applicable, have consented in writing to such disclosure. Prohibits a cause of action from arising against a person who improperly discloses confidential information unless the disclosure was intentional or grossly negligent.

APPROVED by Governor March 29, 2000

EFFECTIVE March 29, 2000

H.B. 00-1355 Colorado high technology scholarship program - income tax credit - refund of excess state revenues to comply with TABOR. Creates the Colorado high technology scholarship program (the program) for the purpose of awarding scholarships to in-state students who enroll in Colorado institutions of higher education and pursue high technology related certificates or degrees.

Creates the high technology scholarship program advisory committee in the department of higher education (the department). Specifies the membership of the advisory committee and the terms of the appointed members of the advisory committee. Requires the advisory committee to establish general guidelines for the department to use in awarding scholarships under the program. Eliminates the advisory committee on July 1, 2010, but provides for sunset review of the committee prior to that date.

Requires the Colorado commission on higher education (CCHE), in consultation with the high technology scholarship program advisory committee, to determine the eligibility requirements for scholarships to be awarded under the program.

Requires filing any application for a high technology scholarship with the department and specifies certain information to be included in the applications. Authorizes the executive director of CCHE to award scholarships to persons in amounts as determined by the department of higher education consistent with the general guidelines for awarding scholarships established by the high technology scholarship program advisory committee and any limitations imposed by an individual or entity that makes contributions to the program. Requires the executive director to give primary consideration to an applicant's financial need in awarding scholarships. Requires scholarships to be paid from moneys in a newly created high technology scholarship fund.

Authorizes the department to accept monetary contributions for scholarships to be awarded under the program. Requires the department to issue certificates to individuals and entities that make monetary contributions.

Specifies that monetary contributions received by the department for purposes of the program shall be credited to the high technology scholarship fund. States that moneys in the fund shall be used to pay scholarships awarded through the program and the administrative costs of the department. Requires all interest earned on moneys in the fund to be credited to the fund and specifies that moneys in the fund shall not be credited or transferred to any other fund.

As a method of refunding state revenues in excess of the constitutional limitation on state fiscal year spending, for income tax years commencing on or after January 1, 2001, for

which the amount of excess state revenues is at least \$330,000,000, as annually adjusted for inflation, establishes a credit against the state income tax for monetary contributions made to the program for which a certificate is issued by the department. Specifies that the credit shall be allowed in an amount equal to 25% of the total contributions made by a taxpayer in an income tax year, but prohibits the amount of the credit from exceeding 15% of the taxpayer's income tax liability for that tax year. If the income tax credit is claimed, requires the amount of any federal income tax deduction for monetary contributions to the program that may be allowed to be added back to federal taxable income for Colorado income tax purposes.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1430 Advanced technology fund - CCHE - waste diversion and recycling - reporting - tire fee decreased. Creates the advanced technology fund ("fund"). Specifies that the sources of moneys for the fund shall be transfers from:

- The waste tire recycling development cash fund;
- State and federal funds, other available funds, and any grants, gifts, and bequests from public or private sources; and
- Any appropriations made to the fund by the general assembly.

Requires the Colorado commission on higher education ("CCHE") to expend moneys in the fund to finance research, development, and technology transfer with regard to waste diversion and recycling strategies or environmental alternatives. Specifies that any moneys transferred into the fund from the waste tire recycling development cash fund must include research, development, and technology transfer regarding waste tires. Requires CCHE to biennially report to the general assembly about these activities.

On July 1, 2000, decreases the waste tire recycling development fee from one dollar to 75 cents per tire. On July 1, 2000, eliminates the authority for the appropriation to the Colorado housing and finance authority that consisted of the remaining half of the moneys in the waste tire recycling development cash fund, after administrative costs. On and after July 1, 2000, such moneys are to be distributed as follows: Two-thirds to the department of local affairs and one-third to CCHE.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1464 Basic skills courses - institutions offering - freshmen assessments - data and reporting. Requires the Colorado commission on higher education ("commission") to adopt, and the governing boards of state institutions of higher education to implement, standards and procedures whereby basic skills courses may be offered by such institutions. Permits only community colleges, local community colleges, Adams state college, and Mesa state college to receive state reimbursement for offering basic skills courses. Prohibits all other institutions from offering basic skills courses, unless the courses are offered by contract through an institution authorized to offer the courses. Prohibits Metropolitan state college of Denver and the university of Colorado at Denver from either offering basic skills courses or contracting for such courses.

Requires institutions offering basic skills courses to track students who take the courses, compile specified data, and report annually to the commission. Directs the commission to report annually an analysis of the data regarding students who take basic skills courses, the costs of providing basic skills courses, and the ability of students taking such courses to complete successfully requirements for graduation. Requires the commission to disseminate the analysis to each school district and public high school.

Directs the governing board of each institution of higher education to adopt policies, beginning with the fall semester 2001, that ensure first-year students take basic skills assessment tests in English and math. Requires students whose scores indicate a need for remediation to take the appropriate basic skills course work before the end of their freshman year.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

ELECTIONS

S.B. 00-172 Initiative and referendum - title board summary - elimination - rehearing procedure - appeal. Repeals the requirement that summaries be prepared and included as part of an initiative petition to be circulated for signatures.

Specifies that a person who is not satisfied with a decision of the ballot title board with respect to whether an initiative petition contains a single subject may file a motion for rehearing. Extends the right to supreme court appeal of a ballot title board decision to any person presenting an initiative petition for which a motion for rehearing is filed, any registered elector who filed a motion for rehearing, and any other registered elector who appeared before the ballot title board in support of or in opposition to a motion for rehearing who is not satisfied with the ruling of the board upon the motion.

Modifies the information provided in the warning portion of an initiative or referendum petition. Requires the ballot information booklet to include an estimate of the measure's fiscal impact, taking into account information from specified sources, if it appears that the measure has a significant impact on the state or any of its political subdivisions.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1097 Voter registration challenges - deadline for filing challenge - deadline for hearing. Changes the deadline for registered electors who challenge the registration of another person to file a written challenge and supporting evidence with the county clerk and recorder from 45 days to 60 days prior to the election. Expands the time period within which the county clerk and recorder must conduct a hearing on such challenges from 15 days to 30 days after the filing of the challenge.

APPROVED by Governor March 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1100 Election expenses - state ballot measures - state reimbursement to counties. Requires that the state reimburse a county for election costs that are directly attributable to

conducting an election in an odd-numbered year in which the only item on the county ballot is a state ballot issue.

For any other odd- or even-numbered year election in which a state ballot issue or state ballot question is on the ballot of a particular county, requires the state to reimburse that county for the cost of the duties performed by the county clerk and recorder that relate to conducting the election on the state ballot issue or ballot question at the following rates:

- \$0.45 for each active registered elector as of the time of the election for counties in which there are 10,000 or fewer active registered electors; and
- \$0.35 for each active registered elector as of the time of the election for counties with 10,001 or more active registered electors.

APPROVED by Governor May 22, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1148 County election precincts - uniform numbering system. Creates a system to be used by county clerks and recorders for numbering election precincts established for all general, primary, and congressional vacancy elections. Delays implementation of such numbering system until after completion of the reapportionment of the senate and house districts required by the Colorado constitution after the 2000 federal census, but establishes July 1, 2002, as the deadline for implementation of the numbering system. Requires county clerks and recorders to complete any precinct number changes necessitated by the numbering system and to report such number changes to the secretary of state within 10 days after the changes have been effected.

APPROVED by Governor March 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1194 Fair Campaign Practices Act - contribution limits - disclosure - internet access to reports - enforcement - sanctions. Establishes limits under the "Fair Campaign Practices Act" (the "FCPA") on the combined total of contributions and contributions in kind that:

- A natural person, corporation, labor organization, authorized committee, or

- political committee may make to certain candidate committees in an election cycle or for a special legislative election; and
- A political committee may accept annually from any person.

Adds district attorneys to those candidates that are subject to contribution limits.

Increases the combined total of contributions and contributions in kind that a political party may accept annually. Prohibits contributions from foreign persons, governments, and corporations to political parties and political committees.

Limits the amount that a candidate committee may contribute to a candidate committee of the same candidate that is established for a different office. Prohibits acceptance of contributions by a state candidate's candidate committee from a candidate committee of the same candidate that was established for a public office other than a state office. Prohibits a candidate committee from accepting contributions from a federal candidate committee of the same candidate.

Requires future adjustments to such contribution limits. Requires a candidate who receives a contribution in excess of the limits to remit the excess to the contributor.

Repeals the following prohibitions and limitations:

- The prohibition on contributions by corporations and labor organizations;
- The prohibition on persons acting as a conduit for a contribution;
- The aggregate limit on contributions that a candidate committee may receive from political committees in an election cycle;
- The limit on contributions a political party may make to any candidate committee; and
- Voluntary campaign spending limits.

Modifies the definition of "contribution" to include the value of contributions for which the contributor receives an item of compensation or consideration that is in excess of the compensation or consideration. Specifies that certain legal and accounting services donated to a candidate committee are not contributions in kind.

Requires a radio or television station, newspaper, or periodical that charges a candidate committee a lower rate than it charges another candidate committee to report the difference in that rate as a contribution in kind to the candidate committee that is charged the lower rate.

Deletes the definition provisions treating all of the political committees of a particular organization as a single political committee and all of the affiliates of a political party as a single entity.

Increases campaign reporting requirements by requiring reports:

- Commencing on the first Monday in July and each Monday every 2 weeks thereafter preceding the primary election;
- Commencing on the first Monday in September and each Monday every 2 weeks thereafter preceding the general election; and
- Within 24 hours of receipt of any contribution or contribution in kind in excess of \$1,000 within the 30 days preceding the election.

Gives those persons filing electronically 2 additional days in which to file reports with the secretary of state. Specifies that the secretary of state may establish reporting periods by rule.

Eliminates the requirement that reports be filed in duplicate. Requires the secretary of state to establish, operate, and maintain a web site through which a person who wishes to review reports may obtain read-only access to such reports free of charge. Requires the secretary of state to establish, operate, and maintain a system that allows filing of reports by utilizing the internet.

Authorizes the secretary of state to mail certain required notices in a manner other than certified mail and to provide such notices by electronic mail.

Requires the expenditure of all unexpended campaign contributions retained by a candidate committee of a former officeholder or person not elected to office within 9 years from the later of the expiration of the officeholder's term or date of the election. Exempts a candidate committee of a former officeholder or person not elected to office that has no change in funds held, contributions received, or expenditures made in a reporting period from the FCPA's reporting requirements for that period.

Modifies the complaint process by authorizing administrative law judges to impose appropriate sanctions if a violation is found rather than referring such a violation to the attorney general for appropriate legal action. Specifies that the decision of the administrative law judge is final and appealable to the court of appeals. Eliminates a private right of action in the district court on such complaints.

Modifies the applicability of criminal sanctions for violating certain provisions of the

FCPA. Subjects anyone who intentionally violates the FCPA to a civil penalty. Eliminates the provision disqualifying persons that are convicted of violating the FCPA for the primary or general election ballot.

Authorizes the secretary of state to promulgate rules that are necessary for the administration or enforcement of the FCPA.

Specifies that the limits on contributions and contributions in kind contained in the act apply to any natural person, corporation, labor organization, candidate committee, political party, political committee, or authorized committee subject to the limits for the portion of any election cycle or for the portion of the year remaining after March 15, 2000, and for any election cycle or calendar year commencing after that date, whichever is applicable.

APPROVED by Governor March 15, 2000

EFFECTIVE March 15, 2000

H.B. 00-1229 Lieutenant governor candidates - nomination - filling of vacancies. Beginning with the 2002 general election, requires a major political party's gubernatorial candidate to nominate the party's candidate for lieutenant governor no later than 7 days after the primary election. Specifies that a lieutenant governor candidate must be a registered elector who has been affiliated with the political party for which he or she is nominated as a candidate for the 12 months immediately preceding the date of the nomination. Requires a lieutenant governor candidate to file a written acceptance of candidacy with the secretary of state within 30 days after the primary election.

Specifies the procedures for filling a vacancy in the office of lieutenant governor or in a major party's nomination for lieutenant governor.

BECAME LAW June 3, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1304 Ballot issue information - implementation of constitutional amendments - TABOR questions. Modifies and clarifies certain provisions of the election code and initiative and referendum law in conformance with the state constitution's provisions directing the general assembly's staff to publish statewide ballot issues and to prepare and distribute a ballot information booklet on such ballot issues as follows:

- Adds the text of referred or initiated questions concerning state matters arising under the state constitution's "Taxpayer's Bill of Rights" (TABOR) to those measures the director of research of the legislative council is required to publish prior to a statewide election.
- Specifies, under the provisions requiring the director of research of the legislative council to prepare a ballot information booklet, that the ballot issues covered by the booklet's analysis include any nonrecall, citizen-initiated petition or legislatively-referred constitutional amendment or legislation that is authorized by the constitution, including an initiated or referred question arising under TABOR.
- Specifies that the executive committee of the legislative council is responsible for providing the fiscal information on any such measure or question arising under TABOR that must be included in the ballot information booklet.

Clarifies that the ballot issue notice requirements of TABOR apply to local government matters, and not state government matters, arising under TABOR.

Conforms the ballot issue notice mailing requirements for local governments to TABOR by requiring the mailing of such notices to 30 days, instead of 15 to 25 days, before a ballot issue election.

Clarifies certain provisions governing the explanation of a "yes" or "no" vote printed on the ballot and in any notice to electors provided by mailing or publication.

Commencing with the November 2000 general election, requires consecutive numbering of initiated statewide measures beginning with the number 20 and continuing consecutively at succeeding elections until the number 99 is utilized, at which time the measures shall be numbered consecutively beginning with the number 1. Authorizes the secretary of state to promulgate rules for administering the numbering and grouping of initiated measures.

APPROVED by Governor March 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1313 Electors with disabilities - assistance in voting. Requires an explanation of the procedures that govern the provision of assistance in voting to registered electors with disabilities to be posted at each polling place on or before election day. Requires the secretary

of state to prescribe the form of the explanation by rule.

Allows persons other than election judges or family members of registered electors with disabilities to provide voting assistance to more than one registered elector with a disability in the voting booth or machine. Eliminates the requirement that any election judge or family member of a registered elector with a disability who provides voting assistance to a registered elector with a disability complete a self-affirmation form. Modifies the self-affirmation form required to be completed by any other person who provides voting assistance to a registered elector with a disability.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1319 Notice of election - voter information cards - mail ballot elections. Defines a voter information card as a written communication in the form of a card or letter containing certain information. Allows a county clerk and recorder to choose between notification by voter information card or by newspaper publication for all mail ballot elections. Adds the cost of mailing voter information cards to those costs the governing body calling a nonpartisan election is responsible for paying. Eliminates voter notification letters as a means for providing notice of an election.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1391 Election judges - appointment of high school students. Commencing with the November 2000 general election, authorizes county clerk and recorders to appoint qualified high school students to serve as student election judges. Authorizes the clerk and recorders to work with school districts and individual public or private secondary educational institutions to identify students willing and able to serve as student election judges. Specifies that the districts or educational institutions may submit the names of the students to the clerk and recorder of the county in which the school district or educational institution is located. Allows home-schooled students to apply to the county clerk and recorder for appointment as a student election judge.

Specifies the qualifications for appointment as a student election judge. Authorizes the county clerk and recorder to designate the precinct in which the student election judges shall serve. Limits the number of student election judges that may serve in any one precinct.

Allows student election judges to receive up to 75% of the compensation received by a non-student election judge for their service.

Specifies that a student election judge may also be appointed to serve as a judge for the purpose of counting absentee and early ballots.

APPROVED by Governor May 30, 2000

EFFECTIVE July 1, 2000

H.B. 00-1394 State elections - voter fraud prevention. Requires the designated election official to maintain a record identifying the name and voting address of each elector who casts a ballot by absentee or early voting at any election.

Requires each county clerk and recorder, not later than 60 days after a state election, to transmit to the secretary of state, in a media format acceptable to the secretary of state, a list of electors showing who voted and who did not vote in the election. Requires that the list show, for electors who voted, the elector's method of voting, whether by early voting, absentee ballot, mail ballot, polling place voting, or otherwise.

No later than March 1 of each year following a year in which a general election was held, requires the secretary of state to distribute to each major and minor political party, free of charge, a list of electors who actually voted in the election.

APPROVED by Governor June 1, 2000

EFFECTIVE January 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1467 Direct record electronic voting machines - reuse - recount procedures. At polling places on election day, authorizes reuse of direct record electronic voting machines that have been utilized for early voting. Requires the records of early votes cast on such voting machines to be kept confidential until the time for counting the votes and to be stored on a diskette, tape, or compact disc before the voting machine may be reused.

Requires submittal to the secretary of state of any recount procedure that is adopted by a designated election official for direct record electronic voting machines. Also requires conformance of that procedure with the recount requirements. Establishes the components of a recount report.

Requires that a recount of votes cast on direct record electronic voting machines:

- Be conducted using an electronic ballot image stored on such machine's removable memory device;
- Retabulate vote totals from individual ballot images;
- Take place after previously tabulated voting results are stored on a diskette, tape, or compact disc; and
- Utilize tabulation system software that does not delete previously tabulated voting results.

Specifies the procedure to be used in the event retabulation of ballot images from the removable memory device is impossible. Requires the designated election official, following the recount, to produce recount reports to determine if the recount and official election results match.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

H.B. 00-1472 Fair Campaign Practices Act - issue committees - public disclosure. Expands the existing definition of "issue committee" to include any partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons that has accepted total contributions in excess of \$500 or made total expenditures in excess of \$500 to support or oppose any ballot issue or ballot question. Specifies that, for purposes of this definition of issue committee, the term "expenditure" does not include expenditures made by persons in the regular course and scope of their business or in connection with communications sent solely to their members. Makes an issue committee open and active until affirmatively closed by the committee or by action of the appropriate authority.

Requires the type of issue committee that is the subject of the act to report only those contributions accepted, expenditures made, and obligations entered into for the purpose of supporting or opposing a ballot issue or ballot question. Specifies that this type of issue committee shall not be required to report donations, membership dues, or other income unless expressly designated for the purpose of supporting or opposing a ballot issue or ballot question.

Limits a subpoena issued by an administrative law judge requiring the production of documents by the type of issue committee that is the subject of the act to documents pertaining to contributions to, or expenditures from, the committee's separate account established to support or oppose a ballot issue or ballot question. Specifies that a subpoena

shall not be limited in this manner where the issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

FINANCIAL INSTITUTIONS

S.B. 00-227 Banks - limitations on permitted business practices - exceptions - federal preemption - securities. Creates an exception, as provided for in federal law, to the prohibition against banks or affiliates of banks to engage in the business of issuing, floating, underwriting, distributing, or promoting the sale of stocks, bonds, or other securities.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1027 Branch banking - reporting requirements - repeal. Repeals the financial reporting requirements of Colorado's branch banking laws, except for the requirement of notice for branch closings.

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1046 Public entities - issuance of securities - powers and duties. Creates the "Supplemental Public Securities Act" within the general provisions of public securities law. Creates an election option that authorizes a public entity to use the procedures of the act, instead of the current procedures, to issue, authorize, or service securities. Clarifies that the act does not modify rights or powers conferred upon a public entity by other provisions of state law.

Authorizes a public entity to delegate for 60 days to a member, chief executive officer, or chief financial officer of the issuing entity the authority to sign a contract to purchase or to accept a bid for securities and to determine several financial terms. Allows a public entity to contract with or select a person to fix interest rates of public securities. Authorizes public entities issuing securities under this act to:

- Set denominations;
- Set maturity dates not exceeding 40 years in the future;
- Specify the interest rate of interest-bearing securities;
- Make securities payable by the entity's designee; and
- Contract to obtain a debt guarantor.

Authorizes a public entity to pledge revenues, including tax revenues, to secure a debt.

Gives such pledges and liens priority over all other obligations and liabilities. As between such competing pledges and liens, gives priority to the pledges according to chronological order.

If members of governing bodies and officers or agents of public entities act in good faith, prohibits civil recourse against such persons buying or selling such securities in cases arising from the payment of principal, interest, or prior redemption premiums. Makes a recital, in an act of issuance of the issuing authority, that the public securities are issued under the Act conclusive evidence of the validity of the securities after they are delivered for value. Allows members to participate in and vote at meetings via telecommunications technology. Sets a statutory limitation period of 30 days for bringing an action in connection with the authorization or issuance of public securities. Gives a public entity the ability to seek a declaratory judgment prior to issuance of securities on issues related to authorizing, issuing, and servicing such public securities. Sets forth the procedures for such declaratory judgment. Clarifies that such declaratory judgment does not apply to condemnation of property proceedings.

If the investment is made in a security that is in one of the 2 highest rated categories, authorizes a public entity to invest money obtained for the sale of securities.

APPROVED by Governor March 16, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1092 Reports - deletion of signature requirement. Deletes the requirements that life care institutions, state-chartered savings and loan associations, and credit unions provide an original signature in certain routine reports submitted to the state commissioner of financial services.

APPROVED by Governor March 17, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GENERAL ASSEMBLY

S.B. 00-119 Redistricting - precinct caucuses - senatorial elections and vacancies plan and computer system for redistricting - appropriation. Updates the permanent statutes relating to redistricting by requiring the reapportionment commission appointed in 2001 to designate in its plan which senatorial districts will stand for election in 2002 and which in 2004.

If Senate Concurrent Resolution 00-2, which changes the timetable for the reapportionment commission, does not pass:

- Requests that the reapportionment commission and the Colorado supreme court complete their work on reapportionment by February 15, 2002; and
- If a court-approved plan is not filed with the secretary of state by that date, modifies the dates when precinct boundaries must be redrawn and when notice of precinct caucuses must be posted.

Establishes that if a senator elected in 2000 vacates his or her seat prior to the start of the 2003 regular legislative session, the vacancy shall be filled from the district from which the senator was elected; however, specifies that any election in 2002 shall be from the newly drawn district. Establishes that if such senator vacates his or her seat on or after the start of the 2003 regular legislative session, the vacancy shall be filled from the newly drawn district.

Directs the legislative council to compile specified information and computer data bases for use by the reapportionment commission and the general assembly in redrawing district boundaries. Requires the director of research of the legislative council to acquire a computer system to prepare legislative districts. Specifies that election and voter registration information from the 1998 and 2000 general elections be included in the computer data base. Authorizes the executive committee to adopt a policy for public access to the computerized data base.

Makes arrangements for commission staff, offices, and meeting rooms and for assistance from state agencies. Provides that the commission may use these arrangements or make its own when it convenes.

Appropriates \$217,900 to the legislative council. If Senate Concurrent Resolution 00-2 becomes law, increases the appropriation by \$184,708 and reduces the appropriations to the legislative council and the committee on legal services.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

NOTE: Senate Concurrent Resolution was adopted by the General Assembly and will be submitted to the voters in November 2000. See page ____ of this digest.

S.B. 00-210 Joint governmental agencies - authority to issue bonds. Authorizes certain joint governmental agencies to issue bonds in order to finance building and facility needs of the organization if the organization maintains its headquarters in Colorado.

Specifies certain procedures and requirements for the issuance of bonds by joint governmental agencies. Requires the bonds to include certain terms. Exempts the bonds from state taxation. States that the bonds shall be paid from certain moneys of the organization. Specifies that the bonds are not a debt or liability of the state of Colorado or any of its political subdivisions and that the owners or holders of the bonds may not look to any revenues of the state or other political subdivisions for the payment of the bonds. Clarifies that nothing in the act obligates the general assembly to be a member of the organization declared to be a joint governmental agency nor to pay membership fees to the organization.

Excludes joint governmental agencies from the definition of "state" for purposes of state fiscal policies relating to section 20 of article X of the state constitution (TABOR).

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1141 Interim activities. Authorizes legislative council to review and prioritize any bill or resolution that creates or authorizes interim studies or allocates additional legislative staff resources during the interim. Authorizes the executive committee of the legislative council to approve additional studies if there are changed or new circumstances after the general assembly adjourns. Allows the findings of legislative council to be made available in electronic or hard copy format to members, rather than sent to them, and removes the requirement that the findings be sent at least 30 days prior to a session.

Specifies the details for appointments to the police officers' and firefighters' pension reform commission and the members of the transportation legislation review committee.

APPROVED by Governor March 15, 2000

EFFECTIVE March 15, 2000

GOVERNMENT - COUNTY

H.B. 00-1001 Local government master plans - criteria - public hearings. Establishes additional criteria that may be included in municipal, county, and regional master plans. Requires local planning commissions to conduct public hearings, after publishing notice of such hearings, prior to the adoption of master plans.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1036 Death inquiries - coroner access to mental health records, reports, or information - release to third parties - immunity from liability. Authorizes coroners, while investigating the death of a person, to obtain any information, record, or report related to the treatment, consultation, counseling, or therapy services from licensed psychologists, professional counselors, marriage and family therapists, social workers, alcohol and drug abuse counselors, or unlicensed psychotherapists who provided such services to the deceased person. Exempts such reports, records, or information from the statutory psychologist-patient privilege when relevant to the investigation of the death.

Prohibits a coroner from releasing to a third party any record or report obtained in connection with a death inquiry. Shields any person who provides information, records, or reports to a coroner pursuant to a death inquiry from any civil or criminal liability that might otherwise be incurred or imposed with respect to the disclosure of confidential patient or client information.

APPROVED by Governor March 17, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1264 County commissioners - salary increase. Increases the annual salary of county commissioners in each county category, effective January 1, 2001, as follows:

- Category I: From \$56,601 to \$63,203
- Category II: From \$46,413 to \$51,827
- Category III: From \$37,357 to \$41,714

- Category IV: From \$26,942 to \$35,394
- Category V: From \$20,376 to \$32,613

APPROVED by Governor March 31, 2000

EFFECTIVE July 1, 2000

H.B. 00-1283 Fire management - responsibilities of certain governmental agencies - sheriffs' authority - county fire management plans. Modifies the responsibilities of the state board of agriculture upon receiving notice of a forest fire by requiring the board or its agent to aid and assist in controlling, as an alternative to extinguishing, such fire. Changes the state's policy of preventing and controlling forest fires to a policy of encouraging the health of forest ecosystems through responsible forest management, including the use of prescribed and natural ignition fires on state owned forest land.

Directs the state forester to determine geographic areas, including wild-urban interface areas, in which the state has a financial responsibility for managing, rather than preventing and suppressing, forest fires.

Authorizes boards of county commissioners to cooperate with certain other governing bodies and with the state forester in the management, rather than prevention and suppression, of forest fires.

Alters the duties of a sheriff, in the case of a forest fire, by allowing the sheriff in charge of a fire the option of either controlling or extinguishing the fire.

Authorizes counties to prepare and implement fire management plans that detail individual county policies on fire management for prescribed burns or natural ignition burns on lands owned by the state or county. Protects agricultural producers' ability to conduct burning on their property.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1482 Local improvement districts - formation by city authorized to become a city and county. Permits a city that has been authorized to become a city and county pursuant to an elector-approved amendment to the state constitution to form a local improvement district to make improvements within the district and to fund the improvements by assessing the costs upon the property benefitted by the improvements, by imposing a sales tax throughout the district, or by utilizing a combination of the assessments and sales tax. Requires those improvement districts to be formed prior to December 31, 2002.

Authorizes those improvement districts that impose a sales tax in the district to provide transportation services, vehicles, equipment, parking, and improvements in the district. Allows those improvement districts to provide transportation services within the regional transportation district if the regional transportation district consents.

Authorizes those improvement districts to impose a sales tax to fund services to use the tax for operational and maintenance expenses related to transportation services. Requires a district planning to provide transportation services and improvements funded by a sales tax to obtain the signatures of the owners of taxable real and personal property within the district having a valuation of not less than 50% of the valuation for assessment of all real or personal property within the district on a petition proposing the services and improvements.

Requires those improvement districts that are proposing a districtwide sales tax to refer the proposal to the electors of the district.

Authorizes the board of county commissioners or the governing body of a city that has been authorized to become a city and county in a district that will provide transportation services and improvements to appoint a board of directors to perform the functions for the district that would otherwise be required to be performed by the board or governing body.

Exempts those improvement districts that levy a sales tax to fund improvements in the district from the provisions of law relating to the assessment of property tax to fund improvements.

APPROVED by Governor June 2, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - LOCAL

S.B. 00-23 Hazardous substance incidents - reimbursement for costs - procedures. Allows public entities, political subdivisions of the state, and local governments to claim reimbursement for the reasonable, necessary, and documented costs of a hazardous substance incident from the person or persons who had care, custody, and control of the hazardous substance at the time of the incident.

Requires the executive director of the department of public safety to adopt rules to establish the process by which public entities shall establish that any reimbursement claimed is reasonable, necessary, and documented. Requires the rules to account for all appropriate cost factors.

Requires the executive director to create a list of qualified and knowledgeable persons who are willing to serve as voluntary ombudsmen, mediators, or arbitrators to resolve disputes over claims for reimbursement for the costs of hazardous substance incidents. Specifies that persons on the list shall not be state employees and shall not be compensated by the state. Requires the executive director to adopt rules to establish a process by which parties involved in a reimbursement dispute can arrange for the assistance of persons on the list.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1045 Intergovernmental agreements - tribal entities. Includes a federally recognized tribal entity within the definition of "government" for the statutory provisions governing intergovernmental relationships.

APPROVED by Governor March 2, 2000

EFFECTIVE March 2, 2000

H.B. 00-1176 Religious meetings on residential property - local limitations - prohibition. Prohibits local governments, including home rule counties, cities and counties, cities, and towns, from enacting or enforcing laws that specifically limit when or how frequently individuals may meet upon private residential property to pray, worship, or otherwise study or discuss issues related to religious beliefs. Makes a legislative finding that this kind of limitation is a matter of statewide concern. Specifies that the act shall not be construed to affect the enactment or enforcement of laws generally regulating adverse conditions affecting the health, welfare, and safety of citizens of a local government.

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1284 Housing authorities - projects eligible - powers - exemption from special assessments and taxes. Includes commercial facilities in the definition of a "project" under the housing authority law. Further defines "project" to include the provision of, and specifies that a housing authority may lease, dwelling accommodations to persons, without regard to income, as long as the project substantially benefits persons of low income as determined by the authority.

With specified exceptions, requires housing authorities to have not less than one commissioner who is directly assisted by the authority.

Grants housing authorities the following new powers:

- To provide grants, loans, or other financing to an entity for projects of the authority;
- To pledge or otherwise encumber its moneys for projects;
- To establish entities controlled by the housing authority to assist in the undertaking or development of a project.

Exempts the portion of a project that is not used as a store, office, or other commercial facility and that is owned by or leased to specified entities related to a housing authority from special assessments and taxes to the same extent as the housing authority.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - MUNICIPAL

H.B. 00-1005 Fire and police pension association - waiver of interest on delinquent payments for new accounts in hardship cases. Permits the board of directors of the fire and police pension association to waive the interest charge against any delinquent payments owed to the fire and police members' benefit fund under the statewide defined benefit plan for new accounts in hardship cases, subject to rules adopted by the board.

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1006 Fire and police pension association - elimination of transfers to the disability and death benefits account. Eliminates the possibility of reducing a fire and police pension association statewide defined benefit plan member's separate retirement account to make transfers to the disability and death benefits account of the fire and police members' benefit fund. Eliminates transfers, under specified circumstances, from the stabilization reserve account to the death and disability benefits account.

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1017 Fire and police pension association - irrevocable election to receive disability benefit option. Specifies that an election by a member of the fire and police pension association to receive an annual total disability benefit option in lieu of the normal annual disability benefit shall be irrevocable.

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1018 Fire and police pension association - investment of money purchase plan fund assets - fiduciary duties. Specifies that the board of the fire and police pension association

is the trustee of the fire and police members' money purchase plan benefit fund, subject to the members' allocation of moneys in their accounts to the investment alternatives offered by the board. States that a member shall not be deemed a fiduciary by reason of exercising control over assets in the member's account and that the board shall not be liable for losses resulting from members exercising that control.

Eliminates the unrestricted authority of the board to invest the assets of the fire and police members' money purchase plan benefit fund. Specifies that the investment and management of assets allocated to the fire and police members' benefit fund, rather than the fire and police members' money purchase plan benefit fund, are subject to the "Uniform Prudent Investor Act".

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1022 Fire and police pensions - authority to increase contribution rates above statutory minimum. Authorizes employer and employee contribution rates for the police officers' and firefighters' statewide money purchase plan to be increased above the existing statutory minimum contribution rates. Requires the employer to request the change and a specified percentage of the employer's active members of the plan to approve the change. Allows a member and employer to make voluntary contributions to the plan by payroll deduction. Provides that any increased contributions resulting from a higher contribution rate shall not cause a member to exceed the limit on annual additions under the internal revenue code.

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1080 Volunteer firefighter pension funds - investment of fund moneys - compliance with the Colorado uniform prudent investor act. Requires the board of trustees of a volunteer firefighter pension fund to invest fund moneys in accordance with the "Colorado Uniform Prudent Investor Act".

APPROVED by Governor March 30, 2000

EFFECTIVE March 30, 2000

H.B. 00-1095 Municipal elections - revisions and clarifications. Makes revisions and clarifications to provisions governing municipal elections.

Generally. Allows a governing body to withdraw a ballot issue from the ballot without cancelling the election. Allows a governing body to cancel an election for public officials and on ballot issues or ballot questions only if the candidates are unopposed and the ballot issues or ballot questions have been withdrawn. Establishes a closing date for local elections reporting periods under the "Fair Campaign Practices Act". Excludes any election that is not a regularly scheduled municipal election from the definition of a "regular election".

Municipal home rule. Requires the governing body of a municipality seeking a home rule charter to set the ballot title for the charter election within 60 days after the date that the proposed charter is submitted. Requires any ordinance adopted by a governing body for purposes of amending the home rule charter to include a ballot title for the proposed charter amendment. Requires a governing body to set the ballot title for a petition to amend a home rule charter at the body's next meeting after the petition is deemed sufficient. Allows revisions to petitions deemed insufficient within 15 days after the inefficiency is declared. Removes the presumption that the signatures on a petition for the adoption, amendment, or repeal of a home rule charter are authentic if the petition is accompanied by an affidavit of the circulator of the petition. Requires the municipal clerk to inspect petitions for adoption, amendment, or repeal of a home rule charter and petitions for the nomination of a municipal officer and the affidavits attached to those petitions to ensure compliance with applicable laws. Removes the requirement that circulators of petitions be registered electors of the municipality.

Officers' recall. Requires municipal clerks to mail a copy of any protest to a recall election to the officer who is the subject of the recall petition. Clarifies that the governing body of a municipality must set a recall election within 90 days from the date of submission of the recall petition. Limits inclusion of a recall election as part of a coordinated election to cases where the recall election ballot has been determined by the date of certification of the ballot content for the election. Requires termination of the recall proceedings upon submission of a written resignation by the officer to the clerk prior to the election. Prohibits the counting of the votes cast on a recall question when the officer resigns at a time when the recall question cannot be removed from the ballot. Requires the absentee polling place for recall elections to be open between the 10th and 5th day before the election. Clarifies that the circulation or filing of a recall petition against an officer is prohibited until the officer has held office for at least 6 months following election or reelection to office, and prohibits the continuation of pending recall proceedings against an officer until the officer has held office

for at least 6 months following the elections or reelection. Subjects officers and candidates involved in a recall election to the "Fair Campaign Practices Act" reporting requirements. Authorizes the municipal clerk or the deputy clerk to resolve controversies concerning recall questions and initiative and referendum petitions.

Municipal election code. Clarifies that special elections may be called either by ordinance or resolution of the municipal governing body. Modifies the signature requirements for petitions to nominate municipal officers and permits the use of abbreviations that reasonably identify the registered elector's residence and date of signing. Authorizes the municipal clerk to determine the validity of or reject the signature of a registered elector that appears more than once on a nominating petition. Permits any registered elector in Colorado to serve as an election judge. Allows relatives of an applicant to sign an application for an absentee voter's ballot on behalf of the applicant and allow applicants who cannot sign to affix their mark on the application as long as such mark is witnessed by another person. Modifies provisions on when a recount is to be conducted. Starts the period within which an election contest must be filed on the date on which a recount must be requested or completed rather than the date on which the votes were canvassed.

Municipal initiatives, referenda, and referred measures. Modifies the municipal initiatives, referenda, and referred measures provisions relating to the computation of time, the submission of a proposed ordinance, petition forms and circulator affidavits, the protest period, and the duties of the clerk.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - SPECIAL DISTRICTS

H.B. 00-1007 Regional transportation district - revenues of district. Expands the definition of "revenues" contained in the regional transportation district act to include, in addition to sales tax and operations revenue, moneys received in the form of grants or contributions from all public or private sources. Changes references from "net revenues" to "revenues" in that section of the act concerning the district's ability to issue debt instruments pledged against district funds. Repeals the definition of "net revenues" in the act.

APPROVED by Governor April 5, 2000

EFFECTIVE April 5, 2000

H.B. 00-1271 Special districts - authority to divide into areas - requirements - limitations. Authorizes the board of a special district to divide the district into areas for the purpose of providing services, programs, and facilities within the areas. Gives the board authority to levy property taxes within an area, in addition to any taxes levied for the district as a whole, to pay the costs associated with the services, programs, and facilities furnished within the area. Allows the board to pledge revenues from taxes levied within an area for the repayment of bonds issued to finance services, programs, and facilities provided within the area. Requires voter approval from electors within an area for tax increases and multiple-fiscal year debts and other financial obligations benefitting the area.

Specifies that the board of a special district shall notify certain counties and municipalities when the board divides the district into areas. Allows counties and municipalities to elect to treat the division of a special district into areas as a material change of the district service plan.

Requires the board of a special district to make any determinations relating to these areas of the district by resolution at a meeting of the board after giving notice of the meeting. Prohibits the board from adopting a resolution to levy additional taxes within an area of the district if a petition satisfying certain criteria is timely filed with the district. Prohibits certain parcels of land from being included in an area within the district without written consent of the owner. Sets forth remedies if such a parcel is included within an area without the consent of the owner.

APPROVED by Governor April 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - STATE

S.B. 00-9 Administrative law - administrative law judges - ethics. Makes administrative law judges in the division of administrative hearings in the department of personnel subject to the Colorado code of judicial conduct.

APPROVED by Governor March 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-21 Colorado bureau of investigation - fugitives. Expands the authority of the Colorado bureau of investigation to include the location and apprehension of fugitives from the law.

APPROVED by Governor April 12, 2000

EFFECTIVE April 12, 2000

S.B. 00-42 Colorado council for persons with disabilities - delayed codification - task force - appropriation. Creates a task force convened by the governor's office to examine the coordination and effectiveness of boards, councils, and commissions serving persons with disabilities and examine issues relating to the permanent creation of the Colorado council for persons with disabilities. Specifies the membership of the task force. Requires the task force to submit a report to the general assembly and the governor on or before January 1, 2001. Repeals the task force on July 1, 2001.

Effective July 1, 2001, creates a 20-member council for persons with disabilities in the office of the governor, the members of which shall be appointed by the governor. States that such council replaces the advisory council for persons with disabilities previously created by executive order. Requires that at least 7 members of the council represent state agencies and that the remainder represent the disabled community.

States that the council shall facilitate coordination among programs serving persons with disabilities, advise policy makers on policy for persons with disabilities, monitor compliance with federal law, and perform referral functions. Allows public members of the council to be reimbursed for expenses.

Imposes a \$5 surcharge on the penalty assessment for unauthorized parking in a parking spot reserved for persons with disabilities. Directs that such surcharges be credited

to the Colorado council for persons with disabilities fund.

Appropriates \$15,000 to the office of the governor for allocation to the Colorado council for persons with disabilities. Adjusts the appropriation in the general appropriation act.

VETOED by Governor May 26, 2000

S.B. 00-44 State treasurer - technical assistance regarding management of government funds - limited liability - reimbursement of travel expenses. Authorizes the state treasurer, upon request, to provide technical assistance to any state or local governmental entity concerning the efficient management of the entity's public funds. Limits the treasurer's liability for any losses related to such technical assistance where the treasurer has performed the treasurer's duties in good faith and in conformity with state law governing the investment of public funds. Authorizes any state or local government receiving technical assistance to reimburse the treasurer for reasonable travel expenses.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-62 Child care - criminal background checks - violent or sexual crimes - dissemination of results - authorized agencies - qualified entities - appropriation. Permits certain qualified entities to contact an authorized agency for the purposes of conducting criminal history records checks on persons responsible for providing child care or child care placement services. Requires the background check to search for convictions of certain crimes, including:

- Felony child abuse;
- Crimes of violence;
- Felony offenses of unlawful sexual behavior;
- Felonies with an underlying basis of domestic violence; and
- Other similar felonies from another state.

Designates the Colorado bureau of investigation as an authorized agency to conduct the background checks. Directs the executive director of the department of public safety to designate, by rule, those entities that are qualified entities and that may request background

checks for child care workers. Designates the department of human services as an authorized agency to conduct the background checks for those entities regulated by the department. Directs the state board of human services to designate, by rule, those entities that are qualified entities and that may request background checks for child care workers.

Appropriates \$84,635 (\$14,235 from cash funds and \$70,400 from cash funds exempt) to the department of public safety, Colorado bureau of investigation, for the implementation of the act.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

S.B. 00-71 Tobacco settlement moneys - guidelines for use - program review - Colorado nurse home visitor program - children's basic health plan trust - tobacco-related and tobacco-focused research grant program - tobacco education, prevention, and cessation grant program - read-to-achieve program - Colorado state veterans trust fund - comprehensive primary and preventive care grant program - attorney general duties - appropriation.

Guidelines for use of tobacco settlement moneys: Requires specific authorization for any program that receives funding from the moneys received by the state pursuant to the tobacco litigation settlement agreement ("tobacco settlement moneys"). Recognizes local governments as potential recipients of tobacco settlement moneys. Earmarks a majority of the tobacco settlement moneys for public health programs, and specifies other uses for the moneys. On or before January 30, 2006, requires the joint budget committee and the health, environment, welfare, and institutions committees of the senate and the house of representatives jointly to review the use of tobacco settlement moneys. Specifies the issues to be reviewed. Requires the joint committees to make a legislative recommendation concerning the date of the next review, and allows the joint committees to make additional legislative recommendations concerning programs that receive tobacco settlement moneys.

Department oversight: Requires the department of public health and environment to monitor programs that receive appropriations from the tobacco settlement moneys. Requires each program to submit annually information concerning operation of the program. Instructs the department to prepare an annual report compiling the program information, program evaluations performed by the state auditor's office, and recommendations for funding for new and existing programs. Allocates to the department a percentage of the tobacco settlement moneys to offset the costs incurred in overseeing tobacco settlement programs.

State auditor's office: Requires the state auditor's office to perform or contract for the performance of program reviews and evaluations of each program that receives tobacco

settlement moneys. Requires the state auditor's office to release an annual report of the programs reviewed. Instructs the state auditor's office to develop a review schedule to ensure that each program is reviewed at least once every 3 years. Allocates to the auditor's office a percentage of the tobacco settlement moneys to offset the costs incurred in overseeing tobacco settlement programs.

Tobacco settlement trust fund: Increases the amount allocated to the tobacco litigation settlement trust fund from 20% to 21% of the amount of tobacco settlement moneys received annually by the state. Requires the state treasurer to contract with a private, professional fund manager for the investment of moneys in the tobacco litigation settlement trust fund. Specifies the types of investments in which moneys in the tobacco litigation settlement trust fund may be invested.

Nurse home visitor program: Creates the nurse home visitor program to provide home health and education services to first-time, low-income mothers, with their consent, during their pregnancies and through their children's second birthdays. Clarifies that a woman may refuse services at any time. Instructs the president of the university of Colorado to identify a health sciences facility that will assist the department of public health and environment in implementing the program. Establishes procedures whereby entities may apply to the state board of health to administer the program in communities throughout the state. Specifies the minimum requirements for applications and program administration. Requires the state board of health to adopt rules to implement the program. Instructs the state board of health, based on recommendations from the health sciences facility, to select the entities that will administer the program and allocate grant moneys to the selected entities. Requires administering entities to submit annual reports on the effectiveness of the program. Requires the health sciences facility to submit to the department an annual report that compiles the reports submitted by the entities, evaluates the implementation of the program, and makes any recommendations for change deemed necessary by the health sciences facility. For fiscal year 2000-01, allocates to the nurse home visitor program 3% of the tobacco settlement moneys received by the state, not to exceed \$3 million. For fiscal years 2001-02 through 2007-08, increases the amount allocated by 2% each year, not to exceed \$2 million per year. For fiscal year 2008-09, and fiscal years thereafter, allocates to the nurse home visitor program 19% of the tobacco settlement moneys received by the state each year, not to exceed \$19 million per year.

Colorado state veterans trust fund: Creates the Colorado state veterans trust fund ("veterans trust fund") to provide moneys for capital improvements or needed amenities for existing or future state veterans nursing homes and costs incurred by state veterans cemeteries and veterans outreach programs administered by the division of veterans affairs ("division"). Directs the general assembly to appropriate to the veterans trust fund one

percent of the tobacco settlement moneys received by the state, not to exceed \$1 million. Requires all of the funds credited to the veterans trust fund in fiscal year 2000-01 to be retained as principal. For fiscal year 2001-02 and fiscal years thereafter, requires 75% of the amount credited to the veterans trust fund to be retained as principal, and allows the board of veterans affairs to allocate the remaining 25% for specified purposes. Establishes the process for allocation of funds. Requires the board of veterans affairs to prepare an annual report and submit it to the department of public health and environment.

Children's basic health plan: Beginning in fiscal year 2000-01 and for each fiscal year thereafter, requires the general assembly to annually appropriate to the children's basic health plan trust \$10 million from the tobacco settlement moneys. Effective January 1, 2001, directs the children's basic health plan policy board to add dental services to the schedule of services provided under the children's basic health plan if the board finds there are an adequate number of dentists willing to provide services and there are sufficient financial resources to fund the services.

Tobacco-and-substance-abuse-related research program: Directs the office of the president at the university of Colorado to establish a research grant program to support research efforts concerning tobacco use, substance abuse, mental health, and associated disease, illness, education, evaluation, cessation, and prevention. Specifies the duties of the office of the president in implementing the program. Instructs the governor to appoint a scientific advisory committee, and specifies the duties of the committee. Authorizes the program director to appoint peer review panels, and specifies the membership for such panels. Identifies the types of research that may be funded. For the first year, requires funding of evaluative research for the collection of baseline demographic data on tobacco use by persons within the state. Specifies the costs for which grantees may be reimbursed. Allows the office of the president to receive a portion of the amount appropriated to the research grant program for administrative costs. Creates the university of Colorado tobacco-and-substance-abuse-related research fund to be administered by the treasurer of the university of Colorado. Allocates annually to the tobacco-and-substance-abuse-related research fund 8% of the amount of tobacco settlement moneys received by the state, up to \$8 million per year.

Tobacco education, prevention, and cessation programs: Creates a grant program to be administered by the department of public health and environment for funding of tobacco education, prevention, and cessation programs. Identifies the entities eligible to participate in the program, including local governments, state agencies, schools, school districts, certain higher education institutions, and any private nonprofit or not-for-profit community-based organization. Instructs the state board of health to adopt rules to implement the program, including application procedures, criteria for awarding grants, and

reporting requirements for entities that receive grants. Instructs the state board to select those entities that will receive grants. Requires the state board to award at least one-third of the grant moneys to entities that provide tobacco and substance abuse education, prevention, and cessation programs to school-age children. Identifies minimum requirements for grant applications. Sets minimum reporting requirements. Instructs the department to review reports received from entities and make recommendations concerning continued funding. Creates the tobacco program fund. Allocates annually to the tobacco program fund 15% of the amount of tobacco settlement moneys received by the state, up to \$15 million each year.

Read-to-achieve grant program: Creates the read-to-achieve grant program in the department of education under which schools may apply for grants to fund intensive reading programs for 2nd and 3rd grade students with low reading skills and students between 3rd and 4th grade with low reading skills. Creates the read-to-achieve board and specifies the membership. Instructs the board to review grant applications and make recommendations to the state board of education for grant awards. Specifies minimum requirements for grant applications and the criteria for awarding grants. Awards grants for up to 3 years that may be renewed unless the school fails to meet specified levels of improvement in students' reading skills. Directs the read-to-achieve board to adopt written guidelines for administration of the program. Creates the read-to-achieve fund. Allocates annually to the read-to-achieve fund 19% of the tobacco settlement moneys received by the state, up to \$19 million per year.

Comprehensive primary and preventive care grant program: Establishes the comprehensive primary and preventive care grant program to make grants to entities that provide such care to persons regardless of their ability to pay. Specifies authorized and unauthorized uses of grant moneys. Directs the executive director of the department of health care policy and financing to appoint an advisory council, and specifies membership on the council. Directs the council to review grant applications and make recommendations to the department of health care policy and financing for the awarding of grants. Authorizes the department of health care policy and financing to develop procedures, criteria, and application forms for the grants and an audit procedure to ensure proper use of the grant moneys. Requires the department of health care policy and financing to submit an annual report to the department of public health and environment on the operation and effectiveness of the program. Requires each grant recipient to provide a yearly report to the department of health care policy and financing. Allocates annually to the comprehensive primary and preventive care grant program 6% of the tobacco settlement moneys received by the state, up to \$6 million per year.

Enforcement of tobacco settlement agreement: Requires the state attorney general to oversee and enforce compliance with the tobacco settlement agreement. Allows the

attorney general to use custodial funds recovered as costs and attorney fees under the tobacco settlement agreement to offset any costs incurred in overseeing and enforcing the tobacco settlement agreement.

Appropriation: For the fiscal year beginning July 1, 2000, makes the following appropriations from the tobacco litigation settlement cash fund:

- \$15,339,874 to the department of education for the read-to-achieve grant program;
- \$10,000,000 and 2.0 FTE to the department of health care policy and financing for the children's basic health plan, and appropriates an additional \$132,357 in general funds for the children's basic health plan;
- \$4,601,962 to the department of health care policy and financing for the comprehensive primary and preventive care grant program;
- \$6,135,950 to the department of higher education, regents of the university of Colorado, for the tobacco-and-substance-abuse-related research grant program;
- \$2,300,981 and 1.5 FTE to the department of public health and environment for the nurse home visitor program;
- \$11,504,906 and 7.2 FTE to the department of public health and environment for the tobacco education, prevention, and cessation grant program; and
- \$766,994 to the Colorado state veterans trust fund.

APPROVED by Governor May 18, 2000

EFFECTIVE May 18, 2000

S.B. 00-73 Federal mandates act - repeal. Repeals the "Federal Mandates Act", which at the present time:

- Requires any state officer, official, or employee charged with implementing any federal statute to implement such statute in good faith, but with a critical view toward any provision of any related federal regulation, guideline, or policy that is inconsistent with Colorado policy or that does not advance Colorado policy in a cost-effective manner;
- Requires any state executive agency that is authorized to develop a state program in response to a federal mandate to develop the program and any necessary regulations in accordance with criteria of: Good faith implementation of all applicable federal statutes with a critical view toward related federal regulations, guidelines, and policies; maximization of efficiency and consideration of the costs and benefits of the program; and the financial restraints of government and the citizens of Colorado;

- Allows state appropriations for a program authorized or mandated by a federal statute only if the program is necessary to implement the statute, protect the public health, safety, and welfare, or benefit the state by providing a cost-effective implementation of the statute or a cost-effective means to meet a higher state public health, safety, and welfare standard;
- Provides procedures and requirements to be followed by state agencies in making budget requests for appropriations to be used for state programs authorized or mandated by federal statutes and requires review of such programs by the joint budget committee and the general assembly, and in certain instances the office of state planning and budgeting, before appropriations are made.

APPROVED by Governor March 9, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-74 Tobacco litigation defense account - creation - use of moneys - defense of state in tobacco settlement lawsuits. Creates the tobacco settlement defense account as an account within the tobacco litigation settlement cash fund. Authorizes use of the proceeds of the defense account by the department of law, subject to appropriation by the general assembly, to defend the state in lawsuits stemming from the tobacco litigation settlement, including challenges to the settlement or to laws enacted in conjunction with the settlement and claims of entitlement to tobacco litigation settlement moneys.

Includes in the tobacco settlement defense account moneys received by the attorney general and transmitted to the state treasurer before, on, or after May 23, 2000, to compensate the state for its attorney fees, court costs, and other expenses incurred in obtaining the tobacco litigation settlement, including any interest earned upon those moneys after transmission to the state treasurer. Requires the state treasurer to transfer those moneys received by the state to the tobacco settlement defense account. Retains all unexpended and unencumbered moneys in the tobacco settlement defense account at the end of each fiscal year in that account for use in defending the state in tobacco settlement-related lawsuits.

Declares that all moneys received by the state and credited to the tobacco settlement defense account within the tobacco litigation settlement cash fund are in settlement of the tobacco litigation, constitute damage awards, and are not included in state or local government fiscal year spending.

Subjects all tobacco settlement moneys received by the state, not just moneys received to compensate the state for attorney fees, court costs, and expenses, to appropriation by the general assembly if such moneys are noncustodial in nature. Authorizes state agencies to expend the settlement moneys, if considered custodial, upon written notification to the joint budget committee setting forth the purpose for the expenditure.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

S.B. 00-75 Moneys received by attorney general - subject to appropriation - exception for custodial moneys. Specifies that noncustodial moneys received by the attorney general on or after July 1, 2000, and paid to the department of the treasury shall be subject to annual appropriation by the general assembly. Requires placement of noncustodial moneys awarded as attorney fees and costs in a separate account and appropriation of the moneys to the department of law for legal services.

Defines "custodial moneys" as moneys from a source other than the state of Colorado that are provided for a particular purpose and for which the state is acting as a custodian or trustee. Requires the attorney general to direct the state treasurer in writing, within 30 days after the moneys are paid to the department of the treasury, to place custodial moneys received by the attorney general in a separate account. Specifies that such written direction shall set forth the basis for determining that the moneys are custodial. Requires a copy of the written direction to be delivered to the joint budget committee. Specifies that custodial moneys are not subject to appropriation but that they must be spent for the purposes for which they have been provided. Directs the department of law to include an accounting of custodial moneys with its annual budget requests.

APPROVED by Governor March 31, 2000

EFFECTIVE March 31, 2000

S.B. 00-77 P.O.S.T. board - certification - reciprocal agreements. Expands the definition of "peace officer, level Ia" to include the peace officers standards and training (P.O.S.T.) board staff director and investigators. Eliminates the ten-year, out-of-service window concerning certification renewal. Permits out-of-state and federal peace officers to participate in the provisional certificate process if they have been certified in another jurisdiction for at least the preceding 3 years and have served in good standing for over one year. Permits the P.O.S.T. board to make rules concerning basic certification criteria. Specifies that reciprocal law enforcement agreements between Colorado counties and municipalities and bordering states' counties and municipalities require any person assigned to law enforcement duty in Colorado to apply to the P.O.S.T. board for recognition.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

S.B. 00-84 Lottery - multistate lottery games - use of net proceeds - state public school fund - contingency reserve - appropriation - referred measure. Authorizes, contingent upon voter approval of the referred statutory measure, the Colorado lottery commission to enter into multistate agreements allowing Colorado residents to play multistate lottery games. Requires the Colorado lottery commission to promulgate rules for such multistate lottery games. Authorizes the director of the state lottery division within the department of revenue to administer such multistate lottery games. Allocates the portion of the net proceeds from all lottery games that are transferred to the general fund pursuant to the state constitution to the state public school fund as a contingency reserve exempt from any restriction on spending, revenues, or appropriations. Authorizes the state board of education to order payments using such moneys only for supplemental assistance to school districts for capital expenditures to address immediate safety hazards or health concerns within existing school facilities.

Appropriates \$400,000 to the department of revenue for the implementation of the act.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvass of the votes is completed, whichever occurs earlier.

S.B. 00-85 Library grants - appropriation. Establishes a program whereby the state librarian shall make grants to eligible public libraries, academic libraries, and school libraries for the purchase of educational resources. States qualifications and reporting requirements for the grants. Requires that participating school libraries and publicly-supported libraries other than a school library or an academic library providing public access computers:

- Equip each computer with software that will limit the ability of minors to gain computer access to material that is obscene or illegal;
- Purchase internet connectivity from an internet service provider that provides filter services to limit computer access of minors to material that is obscene or illegal; or
- Develop and implement a policy, adopted by the board of education or governing body of such library, as applicable, that establishes measures to restrict minors from obtaining computer information that is obscene or illegal.

Gives a school library or public library that complies with the public access computer requirements contained in the act immunity from any criminal or civil liability resulting from

access by a minor to obscene or illegal material through the use of a public access computer owned or controlled by the school or public library.

Expands the powers of the state librarian to make reasonable rules and regulations for the administration of the library grants program.

Appropriates \$2,000,000 to the state grants to publicly-supported libraries fund and further appropriates \$2,000,000 and 0.5 FTE out of the state grants to publicly-supported libraries fund to the department of education for implementation of the act. Requires that no more than 2.5% of the amount appropriated shall be expended for the administrative costs of the state librarian in administering the act. Allows for the appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for further appropriation to the department of transportation for highway projects by \$2,000,000.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-86 Colorado compensation insurance authority - withdrawal from state risk management system. Withdraws the Colorado compensation insurance authority from the state risk management system. Specifies that, as of July 1, 2000, the department of personnel assumes no responsibility and bears no financial obligation for the defense of, or liability for, any claims or lawsuits asserted against the Colorado compensation insurance authority.

APPROVED by Governor March 31, 2000

EFFECTIVE July 1, 2000

S.B. 00-125 Colorado bureau of investigation - national instant criminal background check system - state point of contact - grounds for denial of firearm transfer - appeal - rule-making - unlawful acts - repeal - appropriation. Authorizes the Colorado bureau of investigation ("bureau") to serve as the state point of contact for implementation of the permanent provisions of the federal Brady law. Requires the bureau to transmit a request for a background check to the national instant criminal background check system ("NICS") and permits the bureau to search other databases.

Directs the bureau to deny a firearm transfer if the transfer would violate federal or state law. Prior to July 1, 2010, requires the bureau to deny a firearm transfer pursuant to 2 additional grounds:

- The prospective transferee has been arrested or charged with a crime that, if convicted, would prohibit the prospective transferee from purchasing,

possessing, or receiving a firearm under state or federal law and there has been no final disposition of the case or the final disposition is not noted in the databases; or

- The prospective transferee is the subject of an indictment, an information, or a felony complaint for a crime punishable by a term exceeding one year and there has been no final disposition of the case or the final disposition is not noted in the databases.

Requires the bureau to reverse a denial based on nondispositional information if the prospective transferee provides to the bureau a letter from the clerk of the court that indicates no dispositional information exists.

Authorizes the bureau to cooperate with other law enforcement agencies to perform or assist in any firearm retrievals or assist in the prosecution of any rescinded transfers. Requires the bureau to receive and process final case disposition data within 72 hours after the final disposition of an adult or juvenile case in order to carry out its duties under this act.

Requires the bureau to provide notice of a transfer denial to the NICS system and to the law enforcement agencies having jurisdiction over the area in which the prospective transferee resides and in which the transferor conducts business. Directs the transferor to provide written information about the appeals process. Requires the prospective transferee to carry the burden of obtaining and providing dispositional information during the appeals process. Directs the bureau to render its decision within 30 days after receiving dispositional information.

Requires the bureau to request an immediate permanent change to any inaccurate records and to provide immediate notification to law enforcement agencies of a reversal of any transfer denial. Requires the bureau to notify the local law enforcement agencies where the prospective transferee resides and the transferor conducts any business if the bureau obtains information that indicates the prospective transferee is the subject of an outstanding warrant.

Requires the executive director of the department of public safety, or his or her designee, to promulgate rules necessary for the bureau to carry out its duties as a state point of contact. Specifies that such rules shall include:

- A state appeals process for denial of a firearm transfer;
- Procedures regarding records retention; except that the records shall be retained no longer than 48 hours if the transfer is approved;
- Adoption of forms for identification of a prospective transferee, which may

- correspond with federal forms;
- A requirement that the bureau be open for performing background checks every calendar day except for Christmas and Thanksgiving;
- Provision of an in-state, toll-free telephone line available to transferors 12 hours per day; and
- Requirements for staffing that ensure prompt processing of background check requests.

Clarifies that nothing in the act is to be construed to create any cause of action for damages in addition to that which is available under the state governmental immunity act. Clarifies that no action taken by the bureau to implement this act is a violation of the criminal code.

Creates criminal penalties for willfully providing false or fictitious information for the purpose of obtaining a firearm, for knowingly requesting a background check under false pretenses, and for the unauthorized dissemination of criminal history record information. Generally exempts from civil and criminal liability transferors who do not willfully and intentionally violate the act. Exempts from the theft of medical records statute the obtaining of relevant medical records for purposes of the act.

For the fiscal year beginning July 1, 1999, appropriates \$26,536 and 4.8 FTE to the department of public safety for allocation to the Colorado bureau of investigation for the implementation of this act.

APPROVED by Governor March 7, 2000

EFFECTIVE March 7, 2000

S.B. 00-135 State telecommunications network - availability - public safety communications trust fund - digital trunked radio - appropriation. Specifies additional governmental entities and public safety related nonprofit organizations to which the facilities of the state telecommunications network shall be made available.

Specifies that appropriations for any fiscal year to the public safety communications trust fund shall be from moneys in the capital construction fund and shall be further appropriated to the department of personnel for certain purposes. Makes the appropriation available until the project is completed or for 3 years, whichever occurs first.

Adds specified public safety related nonprofit organizations to those entities that the department of personnel may solicit and accept contributions from for the public safety communications trust fund.

Amends the 1999 long bill to appropriate \$14,675,099 from the capital construction fund to the public safety communications trust fund. Appropriates \$13,900,000 of the such amount to the department of personnel for the digital trunked radio system, phase 2, and makes a corresponding reduction in the capital construction fund exempt appropriation for such project.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

S.B. 00-137 State capitol building advisory committee - membership - expenses - appropriation. Increases the membership of the state capitol building advisory committee from 9 to 12 members. Specifies that at least one of the 3 appointments to the advisory committee by the speaker of the house of representatives and by the president of the senate shall be a legislator from the respective house of the appointing official who has served at least one year in the general assembly. Staggers the terms for the appointed members of the committee. Authorizes the reimbursement of members of the committee for necessary and actual expenses.

Appropriates \$6,720 to the legislative department to implement the act. Makes an adjustment in the general appropriation act to implement the act.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-141 State capitol building advisory committee - removal of objects of art or memorials. Authorizes the state capitol building advisory committee to direct the removal of any objects of art or memorials that are placed in the state capitol building or on its surrounding grounds that have not been submitted to the advisory committee as required by law for evaluation and approval pursuant to the criteria and procedure developed by the advisory committee. States that this authority shall not apply to objects of art or memorials placed prior to the formation of the advisory committee.

APPROVED by Governor April 17, 2000

EFFECTIVE April 17, 2000

S.B. 00-158 Colorado veterans' monument - preservation trust fund - created. Creates the Colorado veterans' monument preservation trust fund for the purpose of maintaining, enhancing, and repairing the Colorado veterans' monument and maintaining Lincoln park. Authorizes the department of personnel to accept private donations for the purpose of creating the principal in the trust.

Creates a preservation trust committee that shall have discretion in allocating funds from the trust fund for maintenance and expenditures for the monument and Lincoln park; except that only interest income on the principal may be expended. Specifies that the interest income shall be continuously appropriated to the department of personnel for allocation to the preservation trust committee.

APPROVED May 23, 2000

EFFECTIVE May 23, 2000

S.B. 00-170 Historic Dearfield preservation - department of higher education - appropriation. Makes legislative findings on historic Dearfield, the site of the first African American homesteading settlement in Colorado. Appropriates \$250,000 to the department of higher education for allocation to the state historical society and distribution to the black American west museum and heritage center for the purposes of preserving historic Dearfield and establishing historic Dearfield park. Allows for the appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for further appropriation to the department of transportation by \$250,000.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

S.B. 00-187 State treasurer - authority to issue state pension obligation notes - repeal. Removes the state treasurer's authority to issue state pension obligation notes for purposes of paying in one lump sum the total amount necessary to eliminate the state's share of the unfunded liability in certain state-assisted firefighters' and police officers' old hire pension plans.

APPROVED by Governor March 31, 2000

EFFECTIVE March 31, 2000

S.B. 00-191 Interstate compact - adult offender supervision - state council. Authorizes the governor to enter into the interstate compact for adult offender supervision. Establishes an interstate commission on adult offender supervision ("commission") and specifies voting and nonvoting membership and powers and duties of the commission. Requires the establishment of a state council and specifies minimum membership requirements.

Authorizes the commission to adopt rules that are binding on the compacting states and specifies areas of rule that the commission is to consider during its first 12 months. Directs the commission to oversee the interstate movement of offenders among member states and to establish mediation and binding arbitration for disputes among member states.

Authorizes the commission to levy an assessment against each member state to pay for the costs of the commission.

Specifies that the compact becomes effective July 1, 2001, or when the 35th state enacts the compact, whichever is later. Establishes procedures for withdrawal, reinstatement, and dissolution of the compact. Authorizes the commission to impose penalties, including monetary penalties, on any member state that defaults in its obligations under the compact. Specifies that lawful actions of the commission are binding on all member states.

Limits the amount of assessments that Colorado shall pay so that the total assessments from all compacting states do not exceed \$2.5 million in any one fiscal year.

APPROVED by Governor April 10, 2000

EFFECTIVE April 10, 2000

S.B. 00-193 Department of revenue - organization. Eliminates the division of enforcement and the motor vehicle division within the department of revenue (department). Gives the department all of the powers, functions, and duties previously held and performed by these divisions.

Authorizes the executive director of the department to create groups, in addition to divisions, sections, and units, within the department. Specifies that the executive director may not combine or eliminate statutorily created divisions within the department unless specifically authorized by law to do so.

In any fiscal year in which employees are shifted between divisions, groups, or branches of the department, requires the executive director to prepare a report that demonstrates that the total cash fund, cash fund exempt, and federally funded FTE appropriated to the particular division, group, or branch of the department for that fiscal year has not been exceeded in that fiscal year by the division, group, or branch. Requires submittal of the report with the department's annual budget request to the joint budget committee.

Gives the motor carrier services division in the department certain functions and duties of the ports of entry division.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

S.B. 00-194 Department of human services - Colorado commission for the deaf and hard of

hearing - creation under sunset law - appointments - duties - appropriation. Declares that a commission for the deaf and hard of hearing would facilitate the provision of general governmental services to the deaf and hard of hearing community while making government more efficient. Creates the Colorado commission for the deaf and hard of hearing (the commission) within the department of human services. Requires the commission to consist of a deaf person, a hard of hearing person, a parent of a person who is deaf or hard of hearing, a professional in the field of deafness, a member of the public, a late deafened person, and an interpreter. Sets the procedures for operation of the commission and appointment of its members.

Requires the commission to:

- Act as a liaison between the deaf and hard of hearing community and the state government;
- Act as an informational resource for the deaf and hard of hearing community and the state;
- Serve as a referral agency for the deaf and hard of hearing and to the state agencies and institutions providing them services;
- Assess how technology has affected the needs of the deaf and hard of hearing and the type and amount of equipment needed by low-income deaf and hard of hearing persons in order to interact with society; and
- Assess how the state can provide better and more efficient access to governmental services and submit a report with recommendations including any proposed legislation, if necessary, to the general assembly.

Creates the Colorado commission for the deaf and hard of hearing cash fund (the fund). Authorizes the commission to approve expenditures from the fund, prepare budgets, and accept and expend gifts, grants, and donations to be deposited in the fund. Transfers \$500,000 from the Colorado disabled telephone users fund to the fund. Authorizes annual transfers of \$25,000 from the Colorado disabled telephone users fund to the fund.

Creates an automatic termination date for the Colorado commission for the deaf and hard of hearing of July 1, 2010, pursuant to the provisions of the sunset law.

Appropriates \$115,527 to the department of human services for allocation to the Colorado commission of the deaf and hard of hearing for the implementation of this act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

S.B. 00-204 Wheat Ridge regional center - authorization for transfer or disposal of campus property - environmental remediation - appropriation. Makes legislative findings and declarations relating to the 1916 right-of-way grant from the state board of land commissioners (board) to the department of human services (department) for the purpose of constructing and operating the Wheat Ridge Regional Center, the status of property adjacent to the right-of-way land that was transferred by the department to the board (transferred land), the past actions of the board and the department relating to the general area of the Wheat Ridge Regional Center campus, and future actions of the board and the department that would serve the best interests of the state.

Authorizes the department to enter into an agreement with the board for the purchase of a portion of the transferred land and the structures thereon known as Kipling Village and Summit Village (Kipling Village parcel). Directs the board to continue its efforts to sell, exchange, lease, or otherwise dispose of the remaining transferred land at the campus (transferred parcel) and to utilize the proceeds to repay the capital construction appropriation to the board for the environmental remediation of vacant structures on the right-of-way land at the campus.

Authorizes the department to enter into an agreement with the board for the purchase of a portion of the right-of-way land and structures thereon known as the Zier and Therapy Pool buildings (Zier and Therapy Pool parcel). Directs the department to give a written release to the board of its rights and interests held in the right-of-way land and improvements (right-of-way parcel) at the campus remaining after the disposition of the Zier and Therapy Pool parcel.

Specifies that the board shall utilize an appropriation of capital construction funds for the environmental remediation of the vacant structures on the right-of-way parcel. Authorizes the board to exchange the right-of-way parcel for land of equal value held in the public buildings trust and to sell the right-of-way parcel. Requires the board to deposit the proceeds from the sale of the right-of-way parcel, as the proceeds become available, into the public buildings trust.

Authorizes the capital development committee to utilize staff or professionals in connection with the review of agreements and reports submitted by the board and the department.

Appropriates \$1,685,911 out of moneys in the capital construction fund to the board for the purpose of conducting and completing the environmental remediation of the vacant structures on the right-of-way parcel.

Appropriates \$2,235,946 out of moneys in the capital construction fund to the department for the purchase of the Kipling Village parcel and the Zier and Therapy Pool parcel, for the off-site development costs associated with those parcels, for landscaping and fencing at Kipling Village, and for mothballing, landscaping, and fencing Summit Village.

Specifies that the appropriations to the board and the department shall not become available until the capital development committee and the joint budget committee have reviewed and approved the agreements for the purchase of the Kipling Village and the Zier and Therapy Pool parcel. Requires the department and the board to report to the capital development committee on the progress of the environmental remediation and the disposition of lands not less than biannually until the right-of-way parcel has been sold and the proceeds deposited in the public buildings trust.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

S.B. 00-209 Public employees' retirement systems - county, municipal, and special district officers and employees - plan funds - trustee investment standards. Modifies the standards for investing funds of the retirement plans that are established and maintained for the officers or employees of counties, municipalities, and special districts by replacing the list of permissible investments that a plan's retirement board, acting as trustee of the plan, may make with plan funds with the standards contained in the "Colorado Uniform Prudent Investor Act".

APPROVED by Governor May 23, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-211 State employees - performance-based pay - repeal - pay plan established based on a performance evaluation system. Repeals the existing performance-based pay plan for employees in the state personnel system and replaces it with a new plan to be developed by the state personnel director, based on a system of performance evaluation, that provides for:

- Periodic salary increases based on demonstrated ability for satisfactory performance and quality of performance;
- The withholding of periodic salary increases based on performance that is less than satisfactory; and
- The payment of an incentive award to employees in the state personnel system

in recognition of above standard or outstanding performance.

Requires the department of personnel to prepare a performance plan by September 1, 2000, that:

- Is simple and understandable;
- Is cost neutral in comparison to the plan in existence for the 2000-2001 fiscal year, as modified each fiscal year thereafter by personal services appropriations;
- Is developed with input from employees in the state personnel system, managers, and other affected parties;
- Emphasizes planning, management, and evaluation of employee performance; and
- Includes uniform and consistent guidelines for all state agencies.

Directs the department of personnel to submit the plan to the joint budget committee of the general assembly by September 1, 2000. Requires the department to implement and coordinate the plan in accordance with guidelines developed by the department and subject to available appropriations.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-212 Buckley air national guard base "tract 100" - cessation of state jurisdiction. Cedes state jurisdiction over "tract 100" within the Buckley air national guard base to the United States. Specifies that the cessation of jurisdiction shall be under the same terms and conditions as for other property within the base. Retains the state's right to serve process in the tract.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-219 Colorado office of economic development - consolidation of economic development functions - appropriation. Changes the Colorado office of business development in the governor's office to the Colorado office of economic development (office). Transfers to the office the rights, powers, duties, functions, and obligations vested in the following programs and commissions prior to July 1, 2000:

- The motion picture and television advisory commission, a commission currently within the division of commerce and development of the department of local affairs (DOLA); and
- The Colorado economic development commission, a commission currently in DOLA.

Transfers the employees, furniture, and records from the motion picture and television advisory commission and the Colorado economic development commission to the office.

Authorizes the office to execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations previously vested in DOLA concerning the joint administration of the Colorado customized training program. Removes DOLA from the joint administration of the Colorado existing industry training program. Deletes obsolete language relating to start-up moneys for the existing industry training program.

Adds the governor to the membership of the Colorado economic development commission and removes the executive director of DOLA from membership of the commission.

Appropriates \$5,869,379 and 7.0 FTE to the governor's office for allocation to the office of economic development for the implementation of the act. Makes a corresponding reduction in the appropriation made in the 2000 long bill to DOLA for insurance and compensation, leased space, motion picture and television production program costs, local affairs programs of the economic development commission, and department higher education programs for Colorado first customized job training and existing industry training.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

S.B. 00-222 Historic Arkansas river project - real property - authority to transfer. Authorizes and directs the commissioner of agriculture to transfer specified state property in Pueblo county to the city of Pueblo for the use and benefit of the historic Arkansas river project.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

H.B. 00-1055 Capital construction fund - annual transfer from the general fund. In addition to the transfer from the general fund to the capital construction fund currently required on July 1, 2002, requires an additional \$100,000,000 transfer on such date from the general fund to the capital construction fund. Establishes a \$100,000,000 transfer from the general fund

to the capital construction fund for the fiscal years beginning July 1, 2003, July 1, 2004, and July 1, 2005.

APPROVED by Governor April 3, 2000

EFFECTIVE April 3, 2000

H.B. 00-1077 Bioterrorism expert emergency epidemic response committee - creation - duties - immunity for actions. Defines "bioterrorism", "emergency epidemic", and "pandemic influenza".

Creates the governor's expert emergency epidemic response committee (the committee) to address emergency needs of the state in case of an epidemic. Requires the committee to supplement the state disaster plan with suggested procedures for handling an emergency epidemic by July 1, 2001. Requires the committee to provide expert advice to the governor for emergency epidemics or threats thereof. Encourages cooperation with the governor's disaster emergency council.

Establishes the membership of the committee. Specifies that the executive director of the department of public health and environment (the department) shall serve as the chair of the committee. Specifies that the executive director of the department of public safety shall serve ex officio and coordinate communications between the committee, the governor's disaster emergency council, and the Colorado emergency planning commission in the event of an emergency epidemic.

Requires the committee's supplement to the state disaster plan to include provisions for the prioritization, allocation, storage, protection, and distribution of antibiotic and antiviral medicines, antidotes, and vaccines for treatment during an emergency epidemic.

Requires the committee to convene upon a call by the governor or upon request by the executive director of the department to consider evidence of an occurrence or imminent threat of an emergency epidemic. Allows the committee to meet as necessary to address issues related to such an occurrence or threat and to advise the governor, who shall act by executive order, to take measures to protect the public health, including, but not limited to:

- Procuring supplies;
- Ordering physicians and hospitals to transfer or cease to admit patients or perform medical examinations;
- Isolating or quarantining persons or property;
- Determining whether to seize, destroy, or decontaminate property or objects that threaten the public health;

- Determining how to dispose of corpses or objects that threaten the public health;
- Assessing the adequacy and potential contamination of food and water supplies;
- Providing mental health support for affected persons; and
- Informing Coloradans how to protect themselves, what actions are being taken to control the epidemic, and when the epidemic is over.

Limits liability for the members of the committee to willful and wanton misconduct or willful disregard of the public's best interests. Limits the amount of damages awardable to \$100,000 for an individual and \$300,000 for 3 or more individuals, but only allows \$100,000 to be awarded to any one individual as a result of willful and wanton misconduct or willful disregard by a member of the committee. Limits the liability of hospitals, physicians, health insurers or managed health organizations, health care providers, public health workers, or emergency medical service providers who act in good faith to comply completely with rules or executive orders issued in response to an emergency epidemic. Disallows compensation by government entities for personal services rendered in response to an emergency epidemic. Allows for compensation for property taken during an emergency epidemic pursuant to eminent domain laws.

Adds physicians, health care providers, public health workers, and emergency medical service providers to the definition of "civil defense worker" for the purposes of compensation under existing law. Adds illness caused by an emergency epidemic to the existing grounds for compensation of volunteer civil defense workers.

Gives the department explicit authority to investigate, monitor, and control an emergency epidemic.

Requires the state board of health to promulgate rules regarding emergency epidemics.

APPROVED by Governor March 15, 2000

EFFECTIVE March 15, 2000

H.B. 00-1096 State employees - human resource innovation and management processes - grievances. Authorizes state agencies, with the state personnel director or the personnel board, as appropriate, to develop processes for human resource innovation and management. Requires that the processes comply with the Colorado constitution and applicable laws, rules, and procedures relative to state personnel. Obligates the state personnel director or the personnel board, as appropriate, to provide assistance to agencies in implementing and coordinating processes for human resource innovation and management and to ensure

compliance with the state constitution and applicable state personnel laws, rules, and procedures.

Requires agencies to obtain input from management and nonmanagement employees in formulating human resource innovation and management processes, and places responsibility for implementing the processes with the head of the agency developing the processes. Requires the head of the agency to submit to the state personnel director or the personnel board, as appropriate, a written statement describing human resource innovation and management processes implemented by the agency commensurate with the implementation of the processes, and to update that statement upon modification or revision of the agency's processes.

Specifies that state agencies and principal departments that develop employee grievance processes must utilize uniform grievance procedures adopted by the state personnel board in developing those processes.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1106 Interstate compact - exchange of criminal history records for noncriminal justice purposes. Ratifies the national crime prevention and privacy compact. The compact:

- Organizes an electronic information sharing system among the federal government and the states that are parties to the compact to exchange criminal history records for noncriminal justice purposes authorized by federal or state law, such as background checks for governmental licensing and employment;
- Specifies that the FBI and the contracting parties agree to maintain detailed databases of their respective criminal history records and to make them available to the federal government and to party states for authorized purposes;
- Requires that the FBI manage the federal data facilities that provide a significant part of the infrastructure for the system;
- Describes the purposes of the compact, the responsibilities of compact parties, compliance with interstate identification index system (III system) standards, and maintenance of record services;
- Requires the FBI, upon request, to provide criminal history records to state criminal history record repositories for noncriminal justice purposes allowed by federal statute, federal executive order, or a state statute that has been

approved by the United States attorney general and that authorizes national indices checks;

- Requires the FBI and state repositories to provide criminal history records to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by federal statute, federal executive order, or a state statute that has been approved by the United States attorney general and that authorizes such checks;
- Specifies that any record obtained under the compact may be used only for the official purposes for which the record was requested. Directs each compact officer to establish procedures to protect the accuracy and privacy of the records;
- Requires subject fingerprints or other approved forms of positive identification to be submitted with all requests for criminal history record checks for noncriminal justice purposes;
- Requires each request for a criminal history record check utilizing the national indices made under any approved state statute to be submitted through that state repository which shall process an interstate request for noncriminal justice purposes through the national indices only if such request is transmitted through another state repository or the FBI;
- Creates procedures for the submission of federal requests, fees, and additional searches;
- Establishes the compact council, which shall have the authority to promulgate rules and procedures governing the use of the III system for noncriminal justice purposes in accordance with FBI administration of the system for criminal justice purposes; and
- Establishes the processes for compact ratification, renunciation, severability, and dispute adjudication.

Requires the Colorado bureau of investigation to implement, administer, comply with the terms of, and serve as the state's criminal history record repository for purposes of the national crime prevention and privacy compact. Authorizes the director of the bureau or the designee thereof to serve as the state's compact officer.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

H.B. 00-1112 Rule-making - proposed rules impacting small business - requirements for statement of basis and purpose. Requires executive branch agencies to include a statement of issues affecting small businesses in the statements of basis and purpose of proposed rules. Specifies the information that must be included in the statements of basis and purpose,

including a list of regulatory requirements that have or may have an economic impact upon small businesses and alternatives considered by the agency to the proposed regulations. Requires the agency, as soon as practicable, to make the statements of basis and purpose accessible electronically on the internet and to include information on how to access the cite in the notice of rulemaking published in the Colorado Register.

VETOED by Governor May 26, 2000

H.B. 00-1154 Authorized uses of funds - security lending agreements. Authorizes a public entity to enter into a securities lending agreement with a qualified provider if the borrower provides adequate collateral to a mutually agreed upon custodian in the form of cash or appropriate securities. Defines "qualified provider" as a state or national bank that meets the following requirements: (1) Is insured by the federal deposit insurance corporation; (2) has a long term debt rating of at least "A"; (3) is financially and operationally stable; (4) has at least one other public fund customer participating in its security lending agreement program; and (5) has had a securities lending agreement in place for at least 3 years. Requires a local government to approve of any securities lending agreements by a written resolution that is duly adopted by a majority vote.

APPROVED by Governor March 17, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1215 State employees - increase in group benefit plans contributions - appropriation. Increases the amount of state contributions for employees enrolled in group benefit plans to the following amounts:

- For a single employee, from \$148.15 to \$160 per month;
- For an employee with one covered dependent, from \$184.29 to \$230 per month; and
- For an employee with two or more covered dependents, from \$258.29 to \$316 per month.

Requires the state personnel director, on December 1, 2001, and December 1 of each year thereafter, to recommend to the joint budget committee adjustments to the state contribution amounts based on changes in the consumer price index for the Denver-Boulder metropolitan statistical area for the preceding calendar year, but prohibits the contribution

amount from exceeding the amount recommended by the state personnel director in the annual total compensation survey. Specifies that the increase in the state contribution amounts is to be paid from the savings derived from specified state departments as a result of the reduction in the rate of employer contributions to the public employees' retirement association pursuant to House Bill 00-1458.

Increases the appropriations made in the 2000 long bill by \$5,114,683 for implementation of the act and specifies the sources of such increased appropriations.

APPROVED by Governor June 2, 2000

EFFECTIVE July 1, 2000

NOTE: House Bill 00-1458 was signed by the Governor on May 23, 2000.

H.B. 00-1224 Colorado tourism office - creation - board of directors - membership - powers and duties - creation of travel and tourism funds - repeal and transfer of duties of the Colorado tourism board and the Colorado travel and tourism authority. Creates the Colorado tourism office (office) within the office of the governor. Specifies governance of the office by a board of directors and the number of board members, the manner in which members are appointed and serve, the terms of office, and the method for selection of a chairperson. Requires the board to meet quarterly or at the times as determined by the chairperson. States that members serve without compensation.

Specifies the powers and duties of the board of directors. Creates the Colorado travel and tourism promotion fund (promotion fund) and the Colorado travel and tourism additional source fund (additional source fund), and directs the board to administer these funds. Funds the promotion fund from moneys remaining in the existing tourism promotion fund after the dissolution of the Colorado tourism board plus other specified sources of moneys. Annually appropriates moneys in the promotion fund for the promotion of travel and tourism in the state.

Funds the additional source fund from grants, donations, gifts, or other moneys provided to the state for the promotion of travel and tourism in the state and any other moneys made available to the additional source fund or the office. Continuously appropriates moneys in the additional source fund for use in the promotion of travel and tourism in the state.

Requires administrative expenses associated with the office or with the expenditure of moneys from the promotion fund and the additional source fund to be met with existing employees performing travel and tourism functions for the department of local affairs that

are to be transferred to the office on or after August 1, 2000, and with the existing staff, office space, and resources of the office of the governor. Permits the expenditure of moneys in the additional source fund for the administrative expenses or the expenditure of moneys from the promotion fund or the additional source fund.

Specifies that the office and expenditures from the promotion fund and the additional source fund shall not be subject to the "Procurement Code". Requires the state auditor to periodically audit the expenditures, contracts, and activities of the office and the board.

Repeals the Colorado tourism board and the Colorado travel and tourism authority, effective August 1, 2000.

Specifies that any appropriation made in the annual general appropriation act for the 2000-01 fiscal year to the tourism promotion fund and to the department of local affairs for Colorado welcome centers, other program costs, and production and distribution of state highway maps, and any corresponding FTE, are to be transferred to the promotion fund and the office.

APPROVED by Governor May 22, 2000

EFFECTIVE May 22, 2000

H.B. 00-1225 Deferred compensation committee - authority to establish defined contribution plan to receive matching employer contributions. Authorizes the state deferred compensation committee to establish a defined contribution plan pursuant to section 401 (a) of the federal internal revenue code to receive matching employer contributions and other contributions authorized by law. Subjects any such plan, to the extent practicable and not prohibited by the internal revenue code, to the provisions governing the existing deferred compensation plan.

APPROVED by Governor April 7, 2000

EFFECTIVE April 7, 2000

H.B. 00-1269 Blind or visually impaired persons - information technology access - nonvisual access standards - procurement by state agencies. Directs the information management commission ("IMC") in the office of innovation and technology to develop for state agencies, on or before February 1, 2001, nonvisual access standards that allow blind or visually impaired individuals to gain access to information. Requires the IMC to approve minimum standards and criteria to be used in approving or rejecting procurements by state agencies for adaptive technologies for use by individuals who are blind or visually impaired. Requires the IMC to consult with state agencies and representatives of blind or visually

impaired individuals in developing the nonvisual access standards.

Requires the head of each state agency to establish a written plan and proposed budget requests for implementing the nonvisual access standards for the agency.

States that nothing in the act requires the installation of software or peripheral devices used for nonvisual access when the information technology is being used by individuals who are not blind or visually impaired and that nothing in the act requires the purchase of nonvisual adaptive equipment. Requires state agencies to comply with the act when procuring upgrades or replacements of existing equipment or software.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1280 State employees - Colorado state patrol - prevailing total compensation. Defines "prevailing total compensation", for purposes of determining and maintaining compensation for state troopers employed by the Colorado state patrol, as the amount of salary, benefits, including retirement benefits, and premium pay practices that is at least 99% of the average total compensation provided to the top 3 law enforcement agencies within the state that have both more than 100 commissioned officers and the highest actual average total compensation.

APPROVED by Governor June 2, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1297 Health, environment, welfare, and institutions committees - requirements for certain reports submitted to the general assembly by state agencies. Eliminates the following state agency reports to the general assembly:

- Report by the department of public health and environment containing the costs incurred by the department in the licensure of health facilities and a summary of all license fees assessed and the revenues generated from such fees;
- Report by the gulf war syndrome advisory committee concerning the gulf war

- syndrome registry;
- Report by the attorney general on the disposition of all moneys appropriated to the department of law for the costs associated with litigating any case, pursuant to the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", and on the progress of suits filed with such moneys;
- Report by the executive director of the department of human services accounting for the efficient discharge of all responsibilities assigned by law to the state department of human services or to the state board of human services;
- Report by the executive director of the department of human services on the overall effectiveness of the single entry point system for enabling persons 18 years of age or older in need of long-term care to access appropriate long-term care services.

Requires state agencies to submit the following reports to the general assembly by November 1 of each year:

- Report by the division of alcohol and drug abuse concerning costs and effectiveness of alcohol and drug abuse programs in this state and recommending legislation in the field of alcohol and drug abuse;
- Report by the department of public health and environment on the moneys credited to the emergency medical services account and on the expenditure of such moneys during the preceding fiscal year;
- Report by the department of public health and environment on the quality of the statewide trauma care system.

APPROVED by Governor April 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1321 Investment of public funds - government securities - repurchase agreements - maturity dates. Under existing laws governing the permissible investments of public entities in Colorado, creates an exception to the general prohibition on securities with a maturity date in excess of 5 years for securities subject to certain repurchase agreements.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 00-1324 Air quality control - Southern Ute Indian tribe and state of Colorado - intergovernmental agreement on air quality. Ratifies the intergovernmental agreement made and entered into on December 13, 1999, between the Southern Ute Indian tribe and the state of Colorado concerning air quality control on the Southern Ute Indian reservation.

Establishes a single air quality control program applicable to all lands within the exterior boundaries of the Southern Ute Indian reservation. Authorizes the creation of a joint Southern Ute Indian tribe/state of Colorado environmental commission to be created in another bill. Provides that when all conditions and terms of the agreement are fully in effect, the air quality program on the reservation shall be administered by the tribe pursuant to a delegation from the federal environmental protection agency, through the use of the staff of the tribe's environmental programs division, with the participation of the state of Colorado's air pollution control division in the department of public health and environment.

APPROVED by Governor March 15, 2000

EFFECTIVE March 15, 2000

H.B. 00-1337 Executive branch agencies - reports to general assembly - repeal. Eliminates existing requirements for the following periodic reports to the general assembly:

- Reports from the legislative council staff and office of legislative legal services on federal mandates and recommendations for cost reduction in connection with such mandates.
- Annual report from the state agency for surplus property on the efficient discharge of the agency's duties.
- Annual report from the executive director of the department of personnel to the JBC on economic benefits achieved under the master lease program.
- Annual reports from the department of transportation and institutions of higher learning to the state auditor's office on all outstanding lease-purchase agreements.
- Annual report from the department of administration to the JBC on the sources, expenditures, and current balance of the convention center fund.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1395 Personal privacy issues - information technology - task force - interim study - report - appropriation. Creates a 21-member task force, comprising legislators and citizens from a variety of backgrounds, to hold public meetings during the 2000 and 2001 interims and report its findings to the governor and the general assembly by December 1, 2001. Directs the task force to:

- Identify the types of personal information about individuals that is being collected by the state and its political subdivisions, the ways in which such information is used and disseminated, and the existing provisions of state law and administrative rules that protect individual privacy;
- Identify the benefits and detriments of information sharing by and among entities that collect, store, and disseminate information relating to individuals and businesses;
- Assess the impact of evolving technologies on the collection, dissemination, and use of personal data;
- Educate and inform the public, focus public debate, and suggest personal privacy safeguards;
- Ascertain the proper role of government in accomplishing the desired outcomes;
- Examine state and federal statutes and regulations that prohibit, require, or permit sharing of information; and
- Identify any recommended legislation or changes in administrative policy governing the collection, storage, and transfer of data among and within public and private entities.

Assigns the secretary of state to provide staff support, meeting space, and other assistance to the task force once sufficient contributions are received from public and private sources to defray the secretary of state's expenses in doing so. Appropriates \$26,872 from such contributions, once received, for this purpose.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

H.B. 00-1418 Communications and information technology committee - duties and responsibilities - annual reports and recommendations - membership - appropriation. Establishes the communications and information technology committee as a joint legislative committee. Specifies that the committee replaces and succeeds to the duties and responsibilities of the joint legislative computer management committee.

Requires the committee to review communication and information resources, communication and information resources technologies, and data processing systems with regard to telecommunications coordination within state government, the general government computer center (GGCC), the division of state archives and public records (Archives), and the central information system board (CIS). Specifies additional areas of committee review of these state agencies including budget processes and agency administration, the acquisition of property and equipment, state strategic plans, and annual reports. Requires committee review of the duties and responsibilities of the governor's office of innovation and technology and the chief technology officer.

Directs committee review of state agency budget requests for communication and information resources, communication and information resources technologies, and data processing systems that have been submitted to and approved by the commission on information management (IMC). Requires the IMC to transmit this information annually to the committee commencing with the 2002-03 fiscal year as the information becomes available.

Requires the committee, commencing November 1, 2001, and on November 1 annually thereafter, to submit a written report on the committee's findings and recommendations to the general assembly and joint budget committee which may include recommended legislation, recommendations concerning appropriations to GGCC, Archives, and CIS, and recommendations concerning state agency budget requests for information technology that have been approved by the IMC.

Specifies the membership of the committee and the number of times the committee must meet annually. Provides for the assistance of legislative council staff in connection with the committee's duties. Reduces the number of legislative members serving on the IMC from 3 members of each house to one member of each house. Adds the secretary of state to the IMC's membership.

Appropriates \$51,992 and 1.1 FTE to the legislative department for the implementation of the act. Allows for the appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for further appropriation to the department of transportation for highway construction projects by \$51,922.

VETOED by Governor May 26, 2000

H.B. 00-1427 Office of smart growth - Colorado heritage communities fund - appropriation. Creates an office of smart growth (office) in the department of local affairs (department) the

head of which shall be the director of the office. Specifies the duties and responsibilities of the office and the executive director of the department in connection with the office.

Authorizes the executive director to develop criteria for the designation of Colorado heritage communities and for the awarding by the office of grants to local governments to address critical planning issues and to develop master plans. Authorizes the office to provide specified services to local governments to assist the governments in addressing the impacts of growth. Specifies eligibility and reporting requirements for local governments applying for grants.

Authorizes the department to maintain a list of qualified professionals that are available to assist in resolving land use disputes between local governments. Specifies that the list shall be available to governmental entities and the public through the office.

Creates the Colorado heritage communities fund in the state treasury. Specifies that the source of moneys to be awarded by the office to local governments for Colorado heritage planning grants and grants to develop master plans shall be from the fund.

Appropriates \$115,998 and 2.0 FTE to the department and \$735,485 to the Colorado heritage communities fund for implementation of the act.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1434 Executive agencies - reports to the general assembly - termination. Eliminates the following state agency reports to the general assembly:

- Report to the general assembly concerning the efficient discharge of duties performed by the department of revenue related to licensing authority for alcohol beverages;
- Report to the legislative audit committee related to medical visits and services provided to inmates, including the amounts of any copayments;
- Recommendations from a workgroup for statutory, practice, and rule changes to expedite the appeals process for matters concerning child welfare;
- Report by the legislative council staff on the definition of "at-risk" student for purposes of the "Public School Finance Act of 1994";
- Report by the legislative council staff on the size-factors for a district's total

- pupil count for the purposes of the "Public School Finance Act of 1994";
- Report regarding the consolidation of higher education programs;
- Report by the commission on higher education regarding the master plan for the Auraria higher education center;
- Reports to the general assembly regarding the "Information Coordination Act";
- Reports to the general assembly related to the expenses and salaries for the division of commerce and development;
- Reports to the general assembly related to the status of the motion picture industry in Colorado;
- Reports to the general assembly related to weatherization grants by the division of housing within the department of local affairs;
- Reports to the general assembly and the joint budget committee related to gifts, grants, and donations received by the department of natural resources;
- Reports to the general assembly related to efficiency of the department of public safety;
- Reports from the Colorado bureau of investigation to the general assembly concerning the number of missing children;
- Reports by the department of regulatory agencies related to departmental efficiency;
- Reports by the civil rights commission concerning the efficiency of the commission;
- Reports by the executive director of the department of revenue regarding departmental efficiency;
- Reports by the lottery commission to the legislative audit committee and the general assembly concerning the lottery fund;
- Report by the state auditor regarding the performance of the lottery division;
- Reports concerning contracts for bank services by the state treasurer;
- Reports to the general assembly by the director of the governor's office of state planning and budgeting;
- Reports from the department of personnel regarding the efficient discharge of the department's duties;
- Reports regarding complaints with the department of personnel about unethical behavior or abuses of governmental authority by state employees;
- Reports from the public employees retirement association (PERA) board regarding policies, financial condition of PERA, and administration;
- Report by the state department of human services regarding the need for nursing facilities at the former Fitzsimons army medical center; and
- Reports regarding the special olympic fund.

Exempts the sunset, sunrise, continuing education reporting requirements from the

scheduled repeal requirements of the "Information Coordination Act". Revises the Grand Canyon visibility transport commission reports to be continued until such time as the governor notifies that federal environmental protection agency that the state has adopted the clean air requirements required by federal law.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1452 Capital construction fund - transfer of moneys from general fund - appropriation. Increases the transfer from the general fund to the capital construction fund for the fiscal year beginning July 1, 2000, by \$168,446,293.

Increases the capital construction fund exempt appropriation to the department of public safety for the 2000-01 fiscal year for the data computer initiative and makes a corresponding decrease in the cash funds exempt appropriation for such project.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1458 State employees - converting sick leave to salary - PERA contributions and benefits - appropriation. Commencing July 1, 2000, and for a specified time period thereafter, allows state classified employees hired before July 1, 1988, to elect to convert all or a portion of their accumulated sick leave in excess of 360 hours into salary. Establishes the rate at which the leave may be converted. Specifies when and the manner in which the election is made and the salary is paid. Caps the amount of additional sick leave that may be accumulated in the future if an employee converts sick leave to salary. Excludes this amount paid as salary from the employee's base salary for salary adjustment purposes and requires the state and the employee to make contributions to the public employees' retirement association (PERA) on that amount. Allows PERA employers other than the state to allow sick leave to be converted to salary with specified restrictions.

Effective January 1, 2001, requires 30% of the amount of any reduction in the employer contribution rates to PERA resulting from the overfunding of the trust funds of PERA to be allocated to the PERA health care trust fund.

Effective July 1, 2000, reduces the contribution rate that is paid to PERA by state, school, and judicial employers by one percent of salary.

Effective January 1, 2001:

- Requires the actuary of PERA to determine the amount of any reduction in the employer contribution rates resulting from the overfunding of a division by September 1 of each year.
- Lowers the amount by which contribution rates for state and school division employers and judicial division employers are reduced to amortize any overfunding in their trust funds. Specifies minimum percentages for those reductions for the 2001-02 fiscal year and fiscal years commencing on or after July 1, 2002.
- Makes the amount of reduction in the contribution rate for municipal division employers in PERA 20% of the reduction necessary to amortize any overfunding in the municipal division trust fund. Specifies that contribution rates shall change at the start of the fiscal year for municipal division employers that use a fiscal year that starts later than January 1.

Allows PERA members who retire on and after June 1, 2000, to receive service retirement benefits, without the reduction currently required by statute, if their years of age plus years of service credit total 80 years or more and they are at least 55 years of age and have at least 5 years of service credit.

Effective March 1, 2001, makes the annual increase to PERA benefit recipients 3 ½% of the base benefit rather than the lesser of 3 ½% of the rate of inflation and redefines "base benefit" for purposes of the annual increase.

For purposes of implementing the 1% reduction in the contribution rate paid to PERA by state, school, and judicial employers, reduces the appropriations made in the 2000 long bill to the departments of state government by the sum of \$4,806,997.

APPROVED by Governor May 23, 2000

PORTIONS EFFECTIVE June 1, 2000

July 2, 2000

January 1, 2001

March 1, 2001

HEALTH AND ENVIRONMENT

S.B. 00-33 Drinking water quality - public water systems - requirements of department of public health and environment - exemptions from the federal "Safe Drinking Water Act". Exempts from penalties under the federal "Safe Drinking Water Act" (Act) any public water system that through ordinance, resolution, or other enforceable enactment prohibits the delivery of water for human consumption, other than by another public water system.

Authorizes the department of public health and environment to exempt public water systems from the documentation requirements of the Act if a system supplies the following evidence demonstrating that it prohibits the unauthorized delivery of water for human consumption:

- An ordinance, resolution, contractual provision, or other similarly enforceable enactment that prohibits connection to the system for the purpose of obtaining water for human consumption; and
- Either an annual visual inspection of the water supply system for the purpose of determining the presence of any unauthorized connections to the water supply system, or an annual written survey of those individuals or entities with whom the supplier has a contractual relationship governing the uses to which such water is placed by the contracting parties.

APPROVED by Governor March 16, 2000

EFFECTIVE March 16, 2000

S.B. 00-177 Hazardous waste control program. Allows the department of public health and environment (the department) to charge for its actual costs for technical assistance and allows the department to charge for providing company-specific compliance assistance in excess of 2 hours.

Finds, determines, and declares that hazardous waste control programs should be implemented to:

- Maintain program authorization by the federal government;
- Promote a community ethic to reduce or eliminate waste problems;
- Account to the public and the industry;
- Innovate cost-effective and efficient methods for carrying out the duties of the department related to hazardous waste disposal, storage, and treatment; and
- Protect the environmental quality of life for impacted residents.

Specifies that the policies and procedures should:

- Include cost-effective methods for reviewing submittals, permit applications, and corrective action plans;
- Include cost-effective methods of performing inspections;
- Streamline corrective procedures;
- Include cost-effective methods for enforcement activities;
- Establish timetables for the completion of department activities;
- Include prioritization methods for completing activities that focus on actual risk to human health and the environment;
- Establish a preference for compliance assistance;
- Establish a preference for alternative dispute resolution mechanisms; and
- Establish mechanisms that encourage continued improvements to the department's policies and procedures.

Requires the department to submit a report to the general assembly February 1, 2002, and each February 1 thereafter regarding the status of the hazardous waste control program.

Outlines the fees for the period July 1, 2000, through July 1, 2002. Requires the department to establish in rule the assessment of fees to offset the hazardous waste control program costs after July 1, 2002.

Sets out procedures for administrative remedies when an operator is operating a hazardous waste facility without a permit or interim status.

Clarifies how the hazardous waste commission may promulgate rules that are more stringent than the federal government's rules concerning hazardous waste.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

S.B. 00-180 Emergency medical and trauma services - council - duties of the board of health - data collection - regional emergency medical and trauma advisory councils (RETAC) - trauma designation for care centers - site visits for hospital designations - medical record theft - governor's expert emergency epidemic response committee - appropriation. Consolidates the advisory emergency medical services council and the state trauma advisory council into the emergency medical and trauma services advisory council (council). Provides for 32 members of the council, of whom 25 are appointed by the governor and 7 are ex officio members. Sets out provisions governing member qualifications, terms, and duties.

Requires an emergency medical technician to be subject to the medical direction of a licensed physician. Defines "medical direction". Allows the department of public health and environment (department) access to criminal records of an emergency medical technician. Removes the existing \$100 licensing fee limitation for ambulances. Removes conditional licensure of ambulances by counties. Requires the state board of health to promulgate rules related to air and ground ambulance services.

Allows the board of health to determine what data should be collected for quality assurance and tracking of handling of emergency medical and trauma services throughout the state.

Removes the statutory percentages for the allocation of highway users tax fund moneys and instead gives the department, upon recommendations from the council, discretion in providing funding for emergency medical and trauma service plans after July 1, 2002. Requires a regional emergency medical and trauma council (RETAC) to receive \$15,000 per county in the RETAC each year. Additionally requires RETACs composed of 5 or more counties to receive \$75,000 each year. Allows a RETAC to apply for additional funds after July 1, 2002.

Requires that 5 or more counties or cities and counties qualify as a RETAC unless two counties have a combined population of 750,000 residents. Allows for the creation of a RETAC of 2 counties when the combined population of the counties is greater than 750,000 residents with approval of the council. Allows a county with geographical concerns to divide itself between 2 separate RETACs. Allows a county to request that the representative \$15,000 for the county be divided between 2 separate RETACs. Requires the council to review the adequacy of funding for RETACs by December 31, 2005. Allows the council to make recommendations to adjust the funding structure after such review.

Requires financial reporting by a RETAC in October every year to the council. Requires a plan of emergency medical and trauma services to be submitted to the council by each RETAC every 2 years beginning July 1, 2003.

Requires the council to submit a report to the general assembly every November 1 regarding the expenditure of moneys in the emergency medical services account and emergency medical and trauma service goals for the state.

Exempts investigations, examinations, reports, and meetings conducted to designate or audit a treatment facility from disclosure requirements under the public records laws. Allows the department and local health departments to operate injury prevention programs. Allow the board of health to temporarily suspend a facility's designation pending remedial

steps to correct any cause of discipline.

Clarifies that the 911 telephone system is for efficient communication between RETACs, service agencies, the coordination of prehospital care, and disaster care. Allows the board to promulgate rules to access any patient information in the registry not just aggregate information and prehospital, hospital and coroner's records. Clarifies that the board adopt rules in consideration of national standards for emergency medical and trauma care systems, such as those adopted by the American college of surgeons' committee on trauma and the guidelines for emergency medical and trauma care systems adopted by the American college of emergency physicians and American academy of pediatrics.

Includes prehospital and emergency medical technicians in the list of providers whose records are protected by medical record theft laws.

Replaces the definitions of an area trauma advisory council and the Colorado trauma institute with a new definition describing the regional emergency medical and trauma services advisory council. Adds a new designation, that of a level V health care facility, to the existing list of level I to level IV health care facilities. Defines a level V health care facility as one providing basic trauma care in rural areas. Clarifies the definition of a "regional pediatric trauma center".

Requires the current state advisory council on emergency medical services, the state trauma advisory council, and the Colorado bureau of investigation to conduct a study regarding whether criminal background checks through the Colorado bureau of investigation and the federal bureau of investigation should be required for emergency medical technicians. Lists criteria to be evaluated. Requires the report be submitted to the General Assembly by November 1, 2000.

Clarifies appointments to the Governor's expert emergency epidemic response committee.

Appropriates \$15,000 from the highway users tax fund emergency medical services account to the department of public health and environment, division of emergency medical services and prevention, for the implementation of the act. Makes future appropriations budget line item requests.

APPROVED by Governor May 16, 2000

PORTIONS EFFECTIVE July 1, 2000
January 1, 2001
July 1, 2001

S.B. 00-190 Methyl tertiary butyl ether - prohibition - phase-out - civil penalty. Prohibits the sale, offer for sale, and storage of any fuel product containing or treated with methyl tertiary butyl ether ("MTBE"). Excludes from the prohibition any incidental co-mingling of MTBE with a fuel product during storage or transfer of the fuel product. Clarifies that such incidental co-mingling does not include the knowing or willful addition of MTBE to any fuel product. Exempts from the prohibition any person who, as of March 1, 2000, is selling, offering to sell, or storing any fuel product containing or treated with MTBE. Requires any such exempted person to phase out the sale, offer for sale, and storage of any fuel product containing or treated with MTBE on or before April 30, 2002. Imposes a civil penalty against any person who violates the prohibition against MTBE or who fails to comply with the phase-out. Excludes from the definition of "alternative fuel" any fuel product that contains or is treated with MTBE. Deletes the requirement that all visible containers and all devices for drawing motor fuel blends containing class A fuel products and MTBE be labeled with the motor fuel blend's MTBE volume percentage.

APPROVED by Governor May 23, 2000

EFFECTIVE September 1, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1023 Immunizations - measures to enhance the tracking of immunizations given to children. Requires the department of public health and environment (the department) to review the administrative fee paid to public and private physicians for immunizations every 2 years and adjust such fees for inflation.

Allows legal guardians and parents for a child to request that such child's immunization records not be included within the existing tracking system for immunizations.

Broadens access to immunization records, including any of the following or any agent of the following:

- Legal guardians;
- Physicians, licensed health care practitioners, clinics, or hospitals treating a child;
- Schools;
- Licensed day care providers; and
- The department or any local health department.

Requires any person obtaining immunization records to keep such information

confidential, and prohibits further release of the information without consent.

VETOED by Governor May 26, 2000

H.B. 00-1099 Jails - health standards - local authority. Specifies certain health standards that will not apply to a jail that begins operations on or after August 30, 1999, if the municipality or county operating the jail adopts health standards addressing the specified issues. Authorizes the governing body of a county or municipality that operates a penal institution that begins operations on or after August 30, 1999, to adopt health standards addressing the specified issues. Encourages county and municipal governing bodies, in adopting the standards, to consult with national associations relating to correctional institutions.

APPROVED by Governor May 24, 2000

EFFECTIVE May 24, 2000

H.B. 00-1167 Solid waste - recycling - waste tires - cleanup fund. Specifies that interest from the waste tire recycling development cash fund shall be paid into the fund. Deletes mandatory spending percentages for expenditures from the fund and allows any governmental entity to participate in public projects using the fund. Authorizes a personal services contract for the administration of the waste tire cleanup program. Reorganizes provisions and relocates definitions.

APPROVED by Governor May 24, 2000

EFFECTIVE May 24, 2000

H.B. 00-1172 Air quality control - state implementation plan - legislative review process. Makes changes in the current legislative council review process for changes or additions to elements of the air quality state implementation plan (SIP). Deletes the repeal date of July 1, 2000, on this program, thereby continuing the review function as altered by this act. Exempts this process from the requirement for the general assembly to review statutory requirements for reports from executive branch agencies.

Provides that, by January 15 of each year, the air quality control commission shall submit to the chairperson of the legislative council a report describing in summary form written in plain, nontechnical language any additions or changes to elements of the SIP adopted during the prior year that are to be submitted to the administrator of the federal environmental protection agency (EPA). Requires that copies of such reports be made available to the public and to each member of the general assembly.

By the February 15 following submission of such report, authorizes any member of the general assembly to make a request in writing that the legislative council review any additions or changes to elements of the SIP contained in the report. Upon receipt of such request, requires that a hearing be scheduled to conduct the review. Specifies the criteria for legislative council review. Directs the legislative council to either recommend legislation or decide not to recommend legislation following such review.

Exempts any bill introduced in the legislative process under this act from the bill limitations to which members of the general assembly are limited by law or joint rule of the senate and house of representatives. Requires any member of the general assembly to provide written notice of intent to introduce a bill to the legislative council within three days after a decision by the legislative council not to recommend legislation under this act.

Specifies that if no member of the general assembly requests legislative council review by the February 15 following submission of the report, the legislative council does not introduce a bill under this act, and no member of the general assembly provides a notice of intent to introduce a bill on a change or addition to a SIP element, the addition or change to the SIP shall be submitted to the EPA for final approval. Authorizes members of the general assembly to notify the legislative council that they are revoking their notice of intention to introduce a bill under this act. If a bill is introduced under this act, an addition or change to the SIP included in any such bill may only be submitted to EPA for final approval after passage of the bill approving the change or addition. If any bill introduced under this act does not pass, an addition or change to the SIP included in any such bill may be submitted to EPA for final approval.

Specifies that for 2000 only, the report required to be submitted to the chairperson of the legislative council shall be submitted by March 31, 2000, and that members of the general assembly shall have until April 10, 2000, to request legislative council review of any change or addition to a SIP element contained in such report.

APPROVED by Governor March 22, 2000

EFFECTIVE March 22, 2000

H.B. 00-1246 Body art - powers and duties of the department - rules and prohibitions. Authorizes the department of public health and environment to promulgate rules governing the safe and sanitary physical environment where body art is performed. Authorizes the department of public health and environment to impose penalties for violations, not to exceed \$250 per day. Provides guidelines for setting such penalties. Prohibits the performance of body art upon a minor without express consent from the minor's parent or guardian. Makes violation of such prohibition a petty offense punishable by a fine of up to \$250.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

H.B. 00-1290 Environmental quality - water quality - permit program - fees - reports. Extends the period during which water quality permit fees may be increased by a stated percentage contained in existing law from July 1, 2000, to July 1, 2003. Requires the annual report filed by the water quality control division of the department of public health and environment to include the status of the division's implementation of the discharge permit program. Directs the report to be filed with the house agriculture, livestock, and natural resources committee and the senate agriculture, natural resources, and energy committee.

APPROVED by Governor March 23, 2000

EFFECTIVE March 23, 2000

H.B. 00-1306 Contaminated land - redevelopment tax credit - appropriation. Requires the department of public health and environment to issue a certificate concerning the costs of clean-up to the owner of previously contaminated property. For tax years 2000 to 2005, gives owners who have such a certificate regarding property that is located in a municipality of at least 10,000 people an income tax credit equal to a percentage of the costs of clean-up, up to a total clean-up cost of \$300,000. Allows any excess credit to be carried forward for up to 5 years so long as the excess is used in the earliest possible subsequent tax year.

Allows the hazardous substance response fund to be used at sites that are not listed on the national priorities list but at which: (a) Action pursuant to the federal "Comprehensive Environmental Response, Compensation, and Liability Act" ("CERCLA") is being taken; (b) action pursuant to CERCLA is not being taken, but the site has been shown to pose a threat to human health or the environment; or (c) use of the fund to provide state matching funds for remediation activities pursuant to the federal "Water Pollution Control Act" would keep the site from being added to the national priorities list.

Appropriates \$250,000 out of the hazardous substance response fund to the department of public health and environment for the implementation of the act.

APPROVED by Governor May 24, 2000

EFFECTIVE January 1, 2001

H.B. 00-1315 Water quality - standards - recycled domestic wastewater. Allows the water quality control commission in the department of public health and environment to promulgate standards for reclaimed domestic wastewater that is to be used for subsequent reuses other than drinking.

APPROVED by Governor March 31, 2000

EFFECTIVE March 31, 2000

H.B. 00-1325 Air quality control - Southern Ute Indian tribe and Colorado environmental commission - implement intergovernmental agreement. In accordance with an intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado ("agreement"), creates the Southern Ute Indian tribe/state of Colorado environmental commission ("commission") for the purpose of establishing a single air quality program applicable to all lands within the exterior boundaries of the Southern Ute Indian reservation. Specifies that the commission is an authority created pursuant to the agreement.

Provides that when all conditions and terms of the agreement are fully in effect, the air quality program on the reservation shall be administered by the tribe pursuant to a delegation from the federal environmental protection agency. Directs that the commission consists of 3 members appointed by the tribe and 3 members appointed by the governor. Specifies that the commission shall be the air quality policy-making and administrative review entity for the reservation air program. Specifies the duties of the commission and the responsibilities of the air pollution division in providing technical assistance, training, and consultation to the tribe. Repeals the law creating the commission upon occurrence of any one of the following: The agreement being terminated by the tribe or the state, the general assembly enacting an explicit repeal, or the United States congress failing to enact federal legislation by December 13, 2001, as called for in the agreement.

APPROVED by Governor March 15, 2000

EFFECTIVE March 15, 2000

H.B. 00-1368 Residential facilities - licensure or approval - compliance with local zoning. Requires applicants for a state license, certificate, or approval to operate a public or private residential treatment facility, a personal care boarding home, a child care facility, or a community residential home to comply with any applicable zoning regulations of the municipality, city and county, or county where the facility is situated. Makes failure to comply with applicable zoning regulations grounds for denial of an approval of or license for the facility or home.

Requires the appropriate state department or division to assure timely written notice is provided to the municipality, city and county, or county where a residential treatment facility, personal care boarding home, child care facility, or community residential home is situated, including the address of the facility or home and the population and number of persons to be served by the facility or home, when any of the following occurs:

- An application for approval or licensure is made;
- Approval is granted or a license is issued;
- A change in the approval or license occurs; or
- The approval or license of the facility or home is revoked or otherwise terminated.

If a zoning or other delay or dispute between a facility or home and the municipality, city and county, or county where the facility or home is situated occurs, authorizes the appropriate department or division to issue a provisional license or approval for up to 120 days pending resolution of the delay or dispute.

Exempts foster care homes from the provisions of the act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1431 Water and wastewater facilities - certification of operators - facility operation. Changes the name of the plant operators certification board to the water and wastewater facility operators certification board (board) and modifies its membership. Specifies additional areas of the certification process that are subject to board rule-making.

Requires the board to ensure that all certification examinations test for information that is relevant to the knowledge that is necessary to operate the level of facility for which certification is sought. Allows the board to select and appoint one or more independent nonprofit corporations to administer the board's operator certification program. Specifies that a nonprofit corporation must have expertise in training and testing procedures and demonstrated knowledge of water and wastewater treatment, collection, and distribution systems. Authorizes the board to promulgate rules to ensure that the program is administered properly. Requires the board to establish classes of certified water treatment facility operators and set minimum education, experience, examination, and ongoing training requirements for each class established.

Makes the water quality control division primarily responsible for investigating and reporting to the board any misconduct by water and wastewater facility operators. Requires the division to report the results of any investigation to the board and make recommendations regarding appropriate disciplinary action to the board. Authorizes the board to promulgate rules to allow the division to immediately suspend or revoke certifications where immediate action is necessary to protect the public health or environment.

Eliminates existing statutory qualifications for certification as a water system operator,

domestic wastewater treatment facility operator, or industrial wastewater treatment facility operator, and requires the board to establish new qualifications for the certification by rule. Creates a new multiple facility operator certification and requires the board to establish qualifications for the certification. Allows an applicant for operator certification to substitute experience for education or education for experience in certain situations.

Specifies certification procedures and allows the board to authorize special examinations or other procedures where there is a question as to the appropriate certification level for a particular applicant for certification. Reduces the period of time for which certification is awarded from 5 years to 3 years.

Eliminates certain fees and gives the board authority to set program fees by rule. Specifies the manner in which certification fees are to be set, collected, and distributed. Specifies penalties for any person who misrepresents himself or herself as a certified operator of any category. Establishes complaint and hearing procedures for persons alleged to have violated facility operator requirements.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

H.B. 00-1432 Suicide prevention - coordinator - reports - appropriation. Directs the department of public health and environment ("department") to act as the state coordinator for suicide prevention programs. Beginning November, 2000, requires the department annually to submit a report on the status of the coordination of suicide prevention programs. Directs the chairs of the health, environment, welfare, and institutions committees of the senate and the house of representatives to decide by January 15, 2004, whether to discontinue the reports.

Appropriates \$157,846 and 2.0 FTE to the department of public health and environment. Adjusts the appropriation in the general appropriation act.

APPROVED by Governor June 2, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1468 Abortion - use of fetal tissue. Defines induced termination of pregnancy.

Finds, determines, and declares that the use of fetal tissue should not be acquired for

valuable consideration. Finds that the United States congress enacted legislation prohibiting the acquisition, receipt, or transfer of fetal tissue for consideration if interstate commerce is affected. Determines and declares that intrastate commerce is affected by the acquisition, receipt, or transfer of fetal tissue for consideration, and therefore prohibits such transfers.

Prohibits the transfer of fetal tissue from an induced termination of pregnancy from being transferred for valuable consideration. Valuable consideration includes, but is not limited to:

- Lease sharing arrangements in excess of the current market value;
- Lease arrangements based on the term or number of induced terminations of pregnancy;
- Any money, gifts in lieu of money, barter arrangement, or exchange of services that do not constitute reasonable payment associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue as defined under federal law; or
- Any agreement to purchase fetal tissue for a profit.

Authorizes the state registrar of vital statistics in the department of public health and environment to fine any physician or institution violating this law not more than \$10,000, depending upon the severity of the violation. Allows the department of public health and environment to promulgate rules necessary for enforcement and implementation of this act.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1481 Enforcement - environmental self-audit law - memorandum of agreement with federal environmental protection agency - pilot project. Enacts a pilot project to implement the Colorado environmental self-audit law under a memorandum of agreement with the United States environmental protection agency. Makes legislative declarations with respect to the intent of the environmental self-audit law originally enacted in 1994. Recognizes that the United States environmental protection agency has taken direct action against entities in Colorado that have made disclosures protected by the Colorado environmental self-audit law. Makes the applicability of this law contingent upon the department of public health and environment and the United States environmental protection agency entering into a memorandum of agreement consistent with the provisions of this law.

On and after May 30, 2000, grants the department of public health and environment discretion to assess penalties for criminal negligence where available under federal environmental law. In addition, grants the department of public health and environment discretion to consider certain factors in determining whether and to what extent an entity is entitled to penalty immunity under the environmental self-audit law. Specifies that the state may obtain access to an environmental self-audit report where the state has independent evidence of any criminal violation of an environmental law. Provides that evidence of a criminal violation constitutes "compelling circumstances" for purposes of the judicial or administrative review procedures of the environmental self-audit privilege law. Provides that, when a self-audit report is obtained, reviewed, or used in a criminal proceeding, the privilege provided in the environmental self-audit law applicable to civil or administrative proceedings is not waived or eliminated.

By July 1, 2003, requires the department of public health and environment to report to the general assembly any recommendations as to whether the pilot program created by this bill should continue, as well as any recommendations for modification.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

HUMAN SERVICES - INSTITUTIONS

H.B. 00-1033 Mentally ill offender task force and legislative oversight committee - creation - membership - duties - staff support - appropriation. Creates a task force to continue to examine specific issues related to the treatment of mentally ill persons in the criminal justice system and to make findings and recommendations to the legislative oversight committee ("committee"). Requires the task force to obtain input from groups in the state affected by the issues studied by the task force and to submit a written report to the committee by October 1, 2000, and each October 1 thereafter. States that members of the task force shall serve without compensation. Authorizes the task force to receive contributions, grants, services, and in-kind donations from any public or private entity for any direct or indirect costs associated with the duties of the task force.

Establishes the committee to continue to examine the treatment of persons with mental illness who are involved in the criminal justice system. Requires the committee to report annually to the general assembly on the issues studied and to propose legislative changes based on recommendations from the task force examining the treatment of persons with mental illness who are involved in the criminal justice system.

Authorizes the director of research of the legislative council, the director of the office of legislative legal services, the director of the division of criminal justice within the department of public safety, and the executive directors of the departments represented in the task force to supply staff assistance to the committee as deemed appropriate.

Repeals the committee and the task force, effective July 1, 2003.

Appropriates \$37,425 and 0.6 FTE to the department of public safety for allocation to the division of criminal justice for the implementation of this act. Appropriates \$19,896 and 0.4 FTE to the legislative department for implementation of this act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1034 Mentally ill juveniles - intensive treatment management pilot program - appropriation. Creates community-based intensive treatment management pilot programs ("pilot program") to provide supervision and management services to mentally ill juveniles who are involved in the criminal justice system. Prohibits any juvenile who is adjudicated for a class 1 felony or first or second degree sexual assault from participating in a pilot program.

Instructs the department of human services ("department") to issue a request for proposals and to select 2 entities, one in a rural community and one in an urban community, to operate a pilot program. Identifies specific requirements for the proposal, including demonstration that the pilot program would operate as a collaborative effort among specified agencies. Authorizes the department to adopt guidelines as necessary to implement the act. Allows the state board of human services, by rule, to define the target population for the pilot program. Specifies the services to be provided by the pilot program. Requires the selected entities and the collaborative agencies to participate in the cost of the pilot program by providing funding or services in an amount equal to the amount of state general fund moneys appropriated to the pilot program.

Requires each entity operating a pilot program to report annually to the department concerning the operation of the program. Directs the department to submit an annual report to the general assembly. Requires the department to forward the information received to the division of criminal justice, and directs the division of criminal justice to submit a biennial report including specified information to the department and to the joint budget committee and the judiciary committees of the senate and the house of representatives. Repeals the act, effective July 1, 2007.

Appropriates \$160,000 to the department of human services and \$15,000 to the department of public safety for allocation to the division of criminal justice for implementation of the act. Adjusts the appropriation in the general appropriation act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1207 Mentally ill persons - transfer to facilities outside of Colorado - pilot project - repeal. Authorizes a pilot project in which the executive director of the department of human services ("executive director") or a designee is allowed to approve and designate a facility located in an adjoining state for the purposes of providing emergency mental health treatment or short- or long-term mental health treatment. Directs that such pilot project shall only be implemented in a rural area in the southwest corner of the state but may be expanded to serve another area or areas if the executive director or a designee finds that there is a demonstrated need in another area of the state. Requires the department of human services ("department") to report such need for expansion to the house and senate health, environment, welfare, and institutions committees.

Allows the approval and designation of a facility in another state adjoining the site of the pilot project only if the facility and the adjoining state meet specified requirements. Directs that if the facility to be approved and designated is a private facility, the consent of

the private facility to the enforcement of standards set by the adjoining state shall be a prerequisite to the approval and designation.

Requires the department to conduct a review of the pilot project and submit a report to the house and senate health, environment, welfare, and institutions committees every 2 years. Repeals the pilot project, effective July 1, 2007.

Under the pilot project, authorizes the transfer of a patient who is involuntarily committed or certified for mental health treatment to an out-of-state facility if specified conditions are met.

States that any patient transferred out of state shall be deemed to be in the custody of the out-of-state facility to the same extent and subject to the same limitations as if the patient had been ordered to be placed in custody in a facility located in this state. States that jurisdiction is retained in the appropriate courts of this state to inquire into the mental condition of the patient and to determine the necessity for continuance of the commitment. Requires the out-of-state facility to provide video or teleconferencing technology for evaluative hearings.

Allows a peace officer from this state to transport any patient who is taken into custody and placed in a mental health treatment facility in an adjoining state under the pilot program.

Authorizes the executive director or a designee to enter into reciprocal agreements with the executive director of similar public agencies of a state adjoining the pilot project for the transfer of Colorado residents for treatment and for the transfer of residents of those states to any mental health treatment facility approved and designated in this state. Authorizes the executive director or designee to contract with the executive director of a similar public agency of a state adjoining the pilot project and to exercise joint powers with respect to the provision of services for emergency mental health treatment and for short-term and long-term mental health treatment. Specifies the types of issues required to be specified in the contract between the two state agencies.

APPROVED by Governor April 19, 2000

EFFECTIVE April 19, 2000

HUMAN SERVICES - SOCIAL SERVICES

S.B. 00-19 Child care - community consolidated child care pilot site agencies - early childhood training plans - appropriation. Requires community consolidated child care pilot site agencies to identify and develop early childhood training plans based upon community needs and available resources. Specifies that such training plans shall include principal elements of recent credentialing models for early childhood educators when state moneys are a source of funding to the pilot site agency and shall be approved by the department of education or a not-for-profit association whose primary interest is the education of young children.

Directs the state department of human services ("state department") to establish a working group representative of the pilot site agencies to develop up to 4 models of improved methodologies for outcome-based licensing and monitoring of child care facilities and for provider support. Allows any of the pilot site agencies to implement one of the models. Directs the working group to evaluate the models after 3 years and to recommend which model or combination of models represents the best practices for statewide implementation. Directs the state department to implement the working group's recommendations and directs the state board of human services to promulgate rules facilitating such implementation.

Directs the state department to develop a child care voluntary credentialing system that recognizes the training and educational achievements of persons providing early childhood care and education.

Urges counties, in cooperation with non-profit and not-for-profit organizations, to assess the success of pilot programs. Authorizes counties to match private contributions to the pilot programs with the county block grant moneys received pursuant to the Colorado works program.

Establishes an exception to the limitation on the use of state moneys for pilot site agencies by allowing access to grants awarded by the youth crime prevention and intervention program board and by authorizing access to other already-appropriated state funds.

Increases the per pupil operating reimbursement provided to any community consolidated child care services pilot site agency that participates in the Colorado preschool program to allow a single child to use 2 positions in order to attend full-day preschool.

For the implementation of the act, appropriates \$1,029,930 to the department of human services, children, youth and families, child care, by adjusting the human services, children, youth and families, child care, child care grants line item by the same amount.

APPROVED by Governor May 24, 2000

EFFECTIVE July 1, 2000

S.B. 00-20 Medicaid - clinic services to children in school-based clinics - appropriation. Includes children under age 21 under the definition of "clinic services" provided by school-based clinics under medicaid, thereby exempting such services from the physician-on-site rule for purposes of reimbursement under medicaid. Requires the department of health care policy and financing to submit a report to the education committees of the house of representatives and the senate on or before October 1, 2002, on the actual

costs of implementing the act compared to the projected costs.

Appropriates \$18,019 to the department of health care policy and financing to implement the act. Adjusts the appropriations in the annual general appropriation act to implement the act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

S.B. 00-22 Child care - additional contract facility inspectors - appropriation. Directs the state department of human services to respond within 48 hours to serious complaints lodged against a child care facility alleging immediate risk of health or safety. Instructs the state board of human services to adopt rules requiring child care facilities to post procedures for filing complaints with the state department. States the intent of the general assembly to increase the number of child care facility inspectors. Increases the number of contract child care facility inspectors by 18.

Appropriates \$955,314 from federal child care development funds to the department of human services for allocation to the division of children, youth, and families for the implementation of the act.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-51 Child care - licensing - definitions - transfer of moneys - rules - family child care homes - tracking complaints - pilot sites - regulation. Allows a county to transfer a portion of the county's Colorado works block grant to programs funded by Title XX of the federal "Social Security Act", within the limitations imposed by state and federal law on such transfers, in order to fund various programs for the improvement of child care.

Directs the state department of human services ("state department") to develop a statewide system of child care resource and referral services ("system") to assist in promoting the availability, accessibility, and quality of child care services in Colorado. Directs the executive director of the state department to designate, on a biennial basis, a public or private entity to be responsible for the administration of the system and permits the executive director to enter into a contract with the administering entity. Requires the state department to report to the general assembly regarding the system no later than December 1 of each year.

Authorizes the state board of human services to establish full and provisional license fees and fees for continuation of a full license for:

- Family child care homes, including any special type of family child care home designated by rule;
- Homeless youth shelters;
- Day treatment centers; and
- Specialized group facilities.

Defines "day treatment center" and "specialized group facility". Allows the state board to establish rules governing different types of family child care homes. Exempts out-of-state employees working in Colorado at a children's resident camp for fewer than 90 days from the state central registry review.

Directs the state department to track and record complaints brought against family child care homes and to identify which complaints were against licensed, unlicensed, or legally exempt family child care homes. Requires the 12 community consolidated child care pilot site agencies to explore new methods of regulating and deregulating family child care homes that maintain or increase current levels of safety while strengthening parental rights.

APPROVED by Governor March 10, 2000

EFFECTIVE May 14, 2000

S.B. 00-65 Colorado works program - access to funds - transfers. Authorizes the general assembly to make appropriations out of the short-term works emergency fund for fiscal year 1999-2000 for the purpose of making transfers allowed under the federal temporary assistance for needy families (TANF) program for child care or child welfare services.

Allows moneys in the long-term works reserve fund to be used for the purposes of making transfers for expenditures on child care or child welfare services that are allowed to be transferred under the federal TANF law. Directs the department of human services to consult with counties before requesting any appropriations out of the long-term works reserve fund for the purposes of insuring that all transfers of TANF funds do not exceed the federal limits for transfers and that the needs of counties to make transfers authorized under statute are considered.

APPROVED by Governor April 14, 2000

EFFECTIVE April 14, 2000

S.B. 00-67 Colorado works program - allocation of funds. Makes the following changes in the reserve funds for the Colorado works program:

- Directs that the state's share of unspent federal dollars (50% of moneys in excess of 20% of county block grant funds) be remitted by counties to the long-term works reserve fund instead of to the short-term works emergency fund.
- Provides for the general assembly to annually appropriate moneys to the short-term works emergency fund.
- Directs that the balance in the short-term works emergency fund at the end of the fiscal year and after any allocations are made to address county needs reverts to the long-term works reserve fund.
- Directs that any funds received by the state from financial sanctions assessed against a county be transmitted to the long-term works reserve fund, if the state has not incurred a financial sanction from the federal government.

Expands access to the short-term works emergency fund by counties for the following purposes:

- Expenditures for emergencies that were unforeseen at the time county allocations were made and that cannot be met through other works program allocations;
- Allowable child care expenditures when the county has insufficient funds in its county block grant for child care to cover the shortfall in child care moneys.

Allows counties to request funds from the short-term works emergency fund at any time during the year. Requires a county to use its county reserve funds prior to receiving

funds from the short-term works emergency fund for rapidly growing costs, unforeseen emergency expenses, and child care. Requires the department of human services to report to the joint budget committee on requests for funds and allocations made from the short-term works emergency fund. Deletes outdated criteria for access to the short-term works emergency fund.

Allows the works allocation committee to mitigate a county's targeted or actual spending level for small counties in the works program.

Allows the works allocation committee to consider whether a county received funds in the previous fiscal year from the short-term works emergency fund when calculating the amount of a county's annual block grant for the Colorado works program and its block grant for the child care assistance program.

Directs the works allocation committee to ensure that counties are notified of the recommended actual spending levels for each county and given an opportunity to provide comment on the recommendations. Requires the works allocation committee to submit alternatives to the joint budget committee if the works allocation committee does not reach agreement on each individual county's level of spending for a given state fiscal year.

Authorizes a reduction in county actual spending levels for the Colorado works program based on any reduction of the federally required state maintenance of effort, if the state qualifies in any year for a reduction because it has met or exceeded work participation requirements. Directs the works allocation committee to determine each county's share of the reduction and to adjust the county maintenance of effort requirements and the county block grant for any percentage reduction earned. Directs the works allocation committee, prior to making such determination, to ensure that each county is notified of the proposed reductions and given an opportunity to comment on the proposed reductions. Requires the works allocation committee to submit alternatives to the joint budget committee if the works allocation committee does not reach agreement regarding the proposed reductions.

States that any federal TANF moneys available to the state not otherwise appropriated shall be appropriated to the long-term works reserve fund.

Clarifies the statutory language regarding county transfers of funds for social services block grant programs to conform with changes in the percentage allowed to be transferred under federal law.

APPROVED by Governor March 31, 2000

EFFECTIVE March 31, 2000

S.B. 00-88 Medical assistance - mental health capitation program - extension of pilot programs - extension of medical services board - miscellaneous changes. Allows the mental health capitation program for mental health treatment services to apply to children and adolescents who are placed in residential treatment centers if there is an agreement between the county department of social services, a designated and contracted mental health assessment and services agency, and the department of health care policy and financing ("the department").

Extends the following pilot programs for 3 years:

- Home health aide pilot program;

- Teen pregnancy and dropout prevention program; and
- Consumer-directed attendant care program.

Makes a conforming amendment to continue an advisory committee that advises the department regarding the home health aide pilot program. Clarifies which laws do not apply to persons hired by a person with disabilities who is participating in the consumer-directed attendant care program.

Changes the age from 65 to 55 years of age for "frail elderly" under the program of all-inclusive care for the elderly to conform with the federal definition.

Directs the department to promulgate rules limiting eligibility for medical assistance if the applicant had made a voluntary assignment or transfer of property without fair and valuable consideration prior to applying for medical assistance. States that a contract for an exempt burial fund for an individual shall include a provision restricting the full amount to the costs of the burial and stating that any excess moneys shall be refunded to the department by the mortuary as reimbursement for the costs of medicaid provided to the individual.

Extends the automatic repeal date for the medical services board to July 1, 2007.

APPROVED by Governor April 13, 2000

EFFECTIVE April 13, 2000

S.B. 00-128 Medicaid - nursing facilities - case-mix reimbursement system - appropriation. Establishes a mandatory case-mix adjusted reimbursement system for health care services costs at class I and class V medicaid nursing facilities. Specifies resident resource requirement case-mix and facility population criteria to be used by the department of health care policy and financing for calculating case-mix adjusted reimbursement rates. Authorizes the state board of medical services to promulgate rules necessary for the implementation of the case-mix adjusted reimbursement system. Suspends the 8% cap on the reimbursement for increases in health care services costs for the first 2 years of the implementation of case-mix adjusted reimbursement. Establishes an interest rate with limitations based upon the current treasury bond for purposes of calculating the rental rate for capital-related assets.

Adjusts the appropriation to the department of health care policy and financing in the general appropriations act. Appropriates \$1,813,610 to the department of health care policy and financing for the implementation of the act.

APPROVED by Governor June 2, 2000

EFFECTIVE June 2, 2000

S.B. 00-223 Children's basic health plan - policy board and advisory board - extension - study of administrative structure - reports - contract for billing and premium functions - pre-HMO enrollment period - appropriation. Extends the automatic repeal date for the policy board and the advisory committee for the children's basic health plan to July 1, 2004. Eliminates the responsibility of the policy board for administering the children's basic health plan. Eliminates the ability of the executive directors of the state agencies on the policy board to appoint a designee to represent them on the board.

Directs the policy board to provide an annual report to the joint budget committee and the house and senate health, environment, welfare, and institutions committees on enrollment, streamlining children's program operations, concerns, and recommendations.

Requires the policy board to contract with an independent entity to study and report on the options, benefits, and merits of changing the administrative structure of the children's basic health plan, including a study of the merits of creating a separate instrumentality of the state to administer the children's basic health plan. States that such study shall only occur if sufficient private donations are received to pay for the study. Directs that such report be submitted to the joint budget committee and the health, environment, welfare, and institutions committees of the house of representatives and the senate on or before October 15, 2000.

Eliminates language specifying medicaid managed care savings as the primary funding source for the children's basic health plan. Consolidates statutes implementing the children's basic health plan. Eliminates obsolete language authorizing the department of health care policy and financing (department) to contract with the administrator of the children's health plan.

Changes the eligibility for the children's basic health plan to the same standard of eligibility used for the medically indigent program. Allows the department to modify the basic and standard health benefit plans as used in designing the schedule of health care services to meet specific federal requirements or to accommodate changes necessary for a program designed for children. Directs the department to study the merits of eliminating the medically indigent program as an option for health care for children who are eligible for the children's basic health plan and instead requiring that such children enroll in the children's basic health plan.

Permits the department to contract with vendors of billing and premium collection services for other state insurance programs in order to consolidate billing and premium collection services if the department finds that doing so would be cost effective and efficient and that the work is similar.

Allows a pre-HMO enrollment period in which to provide health care services under the children's basic health plan to enrollees prior to the effective date of enrollment in the selected managed care plan.

Appropriates \$60,000 cash funds exempt to the department from gifts, grants, and donations to fund the independent study.

BECAME LAW June 3, 2000

EFFECTIVE June 3, 2000

H.B. 00-1020 Child care - interdisciplinary child care commission - appropriation. Creates the child care commission, consisting of 15 members, 9 of whom shall be appointed by the governor, 3 of whom shall be appointed by the speaker of the house, 2 of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the minority leader of the senate. Specifies that members of the commission shall be representative of the cultural and geographic diversity of Colorado. Lists the duties of the commission, including continued study and evaluation of the broad range of issues impacting child care in Colorado. Requires the commission to report to the general assembly on or before November 1, 2001, and on or before November 1 each year thereafter. Instructs the legislative members of the commission to submit proposals for legislation, if any, to the legislative council by the appropriate date for interim committee bills. Repeals the commission, effective July 1, 2004.

Requires the department of human services to report its findings, conclusions, and recommendations concerning the most thorough, timely, and cost-efficient means of

conducting criminal background checks to the members of the child care commission no later than August 1, 2000.

Appropriates \$2,640 to the department of human services, children, youth and families, child care for the reimbursement of expenses incurred by members of the child care commission who are not members of the general assembly. Appropriates \$3,792 to the legislative department for the reimbursement of expenses incurred by members of the child care commission who are members of the general assembly.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1029 Child care assistance - level of eligibility - transition off of assistance. Changes the maximum income eligibility level for child care assistance provided at the counties' discretion from less than 185% of the federal poverty level to not more than 225% of the federal poverty level.

Prohibits the provision of assistance if the recipient's income exceeds the maximum level of eligibility set by federal law. Strongly encourages counties to gradually transition families receiving child care assistance off such assistance over a period of 6 months for those recipients who have exceeded income eligibility limits set by the county.

APPROVED by Governor April 11, 2000

EFFECTIVE September 1, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1072 Older Coloradans program - formula - reports - fund - appropriation. Establishes an older Coloradans program in the department of human services ("department"). Specifies that moneys appropriated to the program shall be distributed to the area agencies on aging using the same distribution formula for moneys allocated under the "Older Americans Act", but that each area agency on aging shall determine to which services such moneys shall be allocated. Requires the area agencies on aging to include the proposed uses of moneys from the program in the agencies' plan. Limits the proposed uses of moneys transferred from sales and use taxes to one-time purposes.

Requires the area agencies on aging to submit to the department a report on the uses of the moneys by January 1, 2001, and the department to compile the reports and submit a report to the joint budget committee and the health, environment, welfare, and institutions committees of the senate and the house of representatives.

Establishes the older Coloradans cash fund. For fiscal year 2000-2001, transfers \$3,000,000 to the fund from sales and use tax moneys that would otherwise go to the general fund. Appropriates the \$3,000,000 to the department.

APPROVED by Governor May 24, 2000

EFFECTIVE May 24, 2000

H.B. 00-1073 Colorado works program - cash assistance - definition. Changes the definition of the term "cash assistance" as used in the Colorado works program to conform to the definition set forth in federal regulation.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

H.B. 00-1076 Health insurance - medicaid - emergency medical assistance to noncitizens - prenatal care - appropriation. Directs that the state provide prenatal care for undocumented women who are eligible for emergency medicaid through contracts with managed care organizations that provide service in various geographic areas of the state.

Appropriates \$171,000 to the department of health care policy and financing, medical services administration, for the implementation of the act. Reduces the general fund appropriation to the capital construction fund and the capital construction fund exempt appropriation to the department of transportation, construction projects, by \$171,000.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1256 Home health services - continuation of the home health services pilot program and the home health services pilot program advisory committee. Extends the automatic termination date of the home health services pilot program and the home health services pilot program advisory committee to July 1, 2003, pursuant to the provisions of the sunset law.

APPROVED by Governor May 30, 2000

EFFECTIVE July 1, 2000

H.B. 00-1305 Quality of care incentive program - extension of sunset date - audit of the program - recapture of funds. Extends the quality of care incentive payment program advisory committee until July 1, 2010. Requires recipients of payments under the program to account annually for such payments. Allows the department of health care policy and financing to recover incentive payments if the recipient of such payments failed to satisfactorily complete, by December 31 of each year, the implementation or evaluation stages of an approved plan. Requires the state auditor to audit the program and to submit a report to the joint audit committee by December 31, 2000.

APPROVED by Governor May 24, 2000

EFFECTIVE July 1, 2000

H.B. 00-1343 At-risk adults - financial exploitation - prohibition. Creates the "Protection Against Financial Exploitation of At-risk Adults Act". Urges specified persons to report known or suspected financial exploitation of at-risk adults to a county department of social services ("county department") or to a local law enforcement agency when such persons have observed an at-risk adult being subjected to circumstances or conditions that may reasonably result in the financial exploitation of the at-risk adult or when such persons have reasonable cause to know or suspect that an at-risk adult has been financially exploited. Allows any other person to report known or suspected financial exploitation of an at-risk adult to a local law enforcement agency or a county department.

Requires the agency receiving the report to prepare a written report within 48 hours after receiving a report of financial exploitation. Identifies the minimum information that the report shall contain. Requires the county department to forward the report to the district

attorney's office and the local law enforcement agency. Requires the local law enforcement agency to forward the report to the county department and to the district attorney's office.

Prohibits any person from knowingly making a false report of financial exploitation to a county department or local law enforcement agency. Grants any person who makes a good faith report, except a perpetrator, complicitor, or coconspirator, immunity from any civil or criminal liability. Provides for confidentiality of reports, except in certain circumstances. Prohibits any person from taking discriminatory, disciplinary, or retaliatory action against a person who makes a good faith report of known or suspected financial exploitation.

Requires the agency receiving the report immediately to investigate the report for the financial protection of the at-risk adult. Allows law enforcement agencies, county departments, and other agencies to develop and implement cooperative agreements to coordinate the investigative duties of the agencies. Encourages any existing at-risk adult protection teams to expand their current purposes to include protection against the financial exploitation of at-risk adults.

Grants agencies investigating the financial exploitation of at-risk adults permission to inspect all records pertaining to the at-risk adult on whose behalf the investigation is being conducted upon written consent of the at-risk adult. Requires a financial institution to offer, upon request, an informed consent release form to any adult over 60 years of age and any at-risk adult with an account at the institution. Specifies that the consent form shall allow the investigation of known or suspected financial exploitation prior to any report of financial exploitation.

Encourages training, focused on detection of financial exploitation, for persons urged to report pursuant to this act.

APPROVED by Governor May 26, 2000

EFFECTIVE January 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1361 Individual development accounts - creation - standards - tax credit - appropriation. Creates the "Individual Development Account Act". Defines certain terms used in the act. Requires the individual development account program ("IDA program") to provide that eligible individuals who establish an individual development account through a sponsoring organization shall receive the benefit of matching moneys, payable directly to a service provider, at the time of expenditure of the moneys in the account for the purpose of securing post-secondary education or training for the individual or the individual's dependent, purchasing a first home, or capitalizing a business. Also allows expenditures of up to 10% of the total balance in the account for supportive counseling, mentoring, or tutoring.

Provides that an individual is eligible for participation in the IDA program if his or her income does not exceed 200% of the federal poverty level, or 80% of area median income for home ownership, and he or she has entered into an agreement with a sponsoring organization that, in turn, has entered into an agreement with a financial institution. Directs sponsoring organizations to recruit individuals to participate in the IDA program and further requires such sponsoring organizations to determine the eligibility of such individuals.

Identifies the additional duties of sponsoring organizations in working with and counseling individuals about the IDA program. Provides that the principal in an individual development account shall not exceed \$10,000. Specifies that only one individual development account may be established per family, but that all family members may utilize the account. States that the program shall not be construed to create an entitlement.

Specifies that a program participant shall be terminated from the IDA program if the participant withdraws contributions for uses other than those uses authorized under the IDA program. Allows the participant to retain the participant's contributions and interest accrued thereon. Specifies that the sponsoring organization will notify the nonprofit organization designated by the department of revenue that is monitoring the tax credit that an IDA participant made an unauthorized withdrawal from the IDA. Allows sponsoring organizations to raise contributions for the IDA program.

Directs the sponsoring organizations to provide individuals making charitable contributions with the necessary documentation required by the department of revenue to enable the contributor to claim a tax credit. Requires that the sponsoring organization notify the nonprofit organization designated by the department of revenue to notify the financial institution where an IDA exists to close the account because of unauthorized withdrawals.

Provides for a tax credit for contributions of cash, stocks, or bonds made by charitable donors to sponsoring organizations for use in the IDA program that is tied to state surplus revenues. Allows the tax credit for 5 years up to a total of \$5 million. Allows 25% of the contribution made to the IDA to be claimed as a tax credit. Adjusts the tax credit for growth and inflation. Disallows the tax credit if there is less than \$190 million in the state surplus.

Requires the department of revenue to designate a nonprofit organization to administer the tax credit. Specifies that the nonprofit organization designated by the department of revenue shall meet the following criteria:

- A history of financial stability;
- A history of success in securing post-secondary education including occupational training, first-time home purchasing, and business capitalization;
- Experience with the socioeconomic populations who would benefit from IDAs;
- Experience with fund-raising; and
- Administrative capabilities to recruit and coordinate activities with all interested nonprofit organizations to ensure the success of the IDA program.

Requires the designated nonprofit organization to submit a report to the state auditor and the legislative audit committee annually that evaluates the implementation of the IDA program. Allows the state auditor's office to verify the accuracy of the annual report submitted by the designated nonprofit organization.

Appropriates \$69,300 to the department of revenue for the implementation of the act. Reduces the general fund appropriation to the capital construction fund and the capital construction fund exempt appropriation to the department of transportation, construction projects, by \$69,300.

APPROVED by Governor May 31, 2000

EFFECTIVE May 31, 2000

H.B. 00-1389 Medicaid - waiver program for children with autism - appropriation. Authorizes the department of health care policy and financing to apply for a federal medicaid waiver to implement an habilitation and treatment program for children with autism who are at risk of institutional care. Directs that the program would waive parental income for purposes of determining a child's eligibility for services. Limits the initial number of children served to 25. Caps the annual expenditure to no more than \$25,000 per child.

Specifies the services to be provided under the autism habilitation and treatment program, including occupational therapy, speech therapy, physical therapy, psychiatric and psychological services, personal assistance services, residential and community habilitation services, job coaching, and case management. Specifies that services provided shall not be subject to the physician on-site requirement.

Appropriates \$61,023 and 1.0 FTE to the department of health care policy and financing, medical programs administration, to implement the act.

VETOED by Governor May 26, 2000

H.B. 00-1457 Old age pension work incentive program. Extends the old age pension work incentive program by repealing the program's current repeal date of July 1, 2000.

APPROVED by Governor May 24, 2000

EFFECTIVE May 24, 2000

H.B. 00-1475 Medicaid - federally qualified health centers - reimbursement rate - appropriation. Establishes an exception to the statutorily defined upper and lower limits of the prepaid capitation payment to managed care organizations to allow reimbursements to federally qualified health centers for the total amount of reasonable costs incurred by those centers in providing health care services to recipients of medicaid. Makes such rate of reimbursement applicable to services provided by such federally qualified health centers on or after the effective date of the act.

Appropriates \$200,000 to the department of health care policy and financing, medical services premiums, for implementation of the act. Specifies that the department of health care policy and financing is expected to receive an additional \$200,000 in federal funds for implementation of the act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

INSURANCE

S.B. 00-35 Investment decisions and plans - fiduciary oversight required by board of directors. Requires that a domestic insurance company's investments, loans, and sales be transacted in compliance with a written policy or plan approved by its board of directors prior to the transaction. Requires such transactions to be ratified at least quarterly by the insurance company's board of directors or a committee appointed by such board.

APPROVED by Governor April 18, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-95 Health insurance - coverage - eye care. Specifies that health coverage plans and managed care plans issued or renewed after January 1, 2001, that provide coverage of eye care services must: Provide covered persons with direct access to eye care providers; not impose penalties on primary care providers as a result of such direct access; ensure that all eye care providers on a health coverage plan or managed care plan are included on any publicly accessible list of participating providers; allow each eye care provider on a health coverage plan or managed care plan panel to furnish covered eye care services to covered persons without discrimination between classes of eye care providers and to provide such services as permitted by their license; not impose a deductible or coinsurance for eye care services that is greater than the deductible or coinsurance imposed for other medical services under the health coverage plan or managed care plan; and not require an eye care provider to hold hospital privileges as a condition of participation as a provider under the health coverage plan or managed care plan.

APPROVED by Governor March 27, 2000

EFFECTIVE March 27, 2000

S.B. 00-106 Casualty and property line insurance - deregulation. Declares that open competition is beneficial to the consumer as well as the insurance industry. Declares that insurers would be able to meet market demands in a more timely manner if prior approval for credit forms and rates and preneed funeral forms was eliminated.

Adds certifying, issuing, soliciting, or using a credit insurance policy form, certificate of insurance, notice of proposed insurance, application for insurance, endorsement, or rider that does not comply with Colorado law as an unfair method of competition and unfair and deceptive trade practice. Adds certifying, issuing, soliciting, or using a preneed funeral contract that does not comply with Colorado law as an unfair method of competition and a deceptive trade practice.

Removes medical malpractice insurance by a joint underwriting association from the definition of type I insurance. Adds medical malpractice by a joint underwriting association, credit, and workers' compensation and employer's liability incidental thereto and written in connection therewith for rates filed by insurers to the definition of a type II insurance.

Eliminates the existing requirement for prior approval by the commissioner of insurance (the commissioner) for private passenger auto cost containment forms, claims-made policy forms, credit forms and rates, and preneed funeral forms.

Requires credit insurers to submit an annual report to the commissioner listing existing and new policy forms, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, and riders issued or delivered in this state. Requires such annual report to contain a certificate by an officer of the organization that the form complies with Colorado law. Gives the commissioner the ability to examine and investigate credit insurance policy forms to ensure compliance.

Requires every title insurance company to have on file in its principal office or a title insurance agent's principal office a schedule of rates, fees, and every amendment thereto, a statement of compliance executed by an officer of the title company that such rate and fee comply with Colorado law, and all supporting documentation. Requires every title insurance company and agent to file with the commissioner any new or amended rate or fee. Limits the use of new or amended rates or fees until such filing.

Requires a contract seller of preneed contracts to submit an annual report that lists any form of preneed contract and each form of assignment used or to be used by the contract seller. Requires the annual report to include a certification from a corporate officer that the forms comply with Colorado law. Allows the commissioner to examine or investigate forms used by preneed sellers.

For workers' compensation insurance, eliminates the requirement that classification of risks, any premiums related thereto, and any subsequent classifications of risks and premiums be approved by the commissioner prior to use.

APPROVED by Governor April 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-130 Credit life insurance - transaction of more than ten years duration - elimination. Eliminates the requirement that a loan or credit transaction be of more than 10-years duration in order to be subject to the "Credit Insurance Act".

APPROVED by Governor March 17, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-138 Automobile insurance - PIP benefits - managed care arrangements - rights of appeal. Requires an automobile insurer providing mandatory coverages to file with the commissioner of insurance an internal grievance and review procedure to be used for managed care arrangements that relate to personal injury protection coverage. Allows an insured to seek an independent medical examination with the Colorado PIP IME panel after the insured has exhausted all internal grievance procedures. Requires the insurer to notify the insured of the insured's right to an independent medical examination under such circumstances. Allows the internal grievance procedures to be modeled after one of the nationally recognized accreditation standards organizations.

APPROVED by Governor March 31, 2000

EFFECTIVE July 1, 2000

S.B. 00-148 Health insurance - carrier contracts with providers of health care services. Finds and declares that health care providers should not be encumbered by contract clauses with an insurer that restrict the health care providers' freedom to offer their services as needed in the marketplace or otherwise limit their ability to provide medically necessary treatment.

Prohibits contracts between providers and carriers to financially penalize a provider for the number of referrals made to providers who participate within the carrier's plan for covered benefits so long as the provider adheres to the carrier's or the carrier's intermediary's utilization review policies and procedures.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-202 Interinsurance exchange - attorney-in-fact - tax paid. Includes an attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange in the definition of "company", "corporation", "insurance company", or "insurance corporation" for purposes of insurance law.

Clarifies that an attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange shall pay a tax on the gross amount of all premiums collected or contracted for on policies or contracts of insurance covering property or risks in this state during the previous calendar year.

Conforms the insurance premium tax provisions for interinsurance exchanges to those for all other insurers by repealing the requirement for an attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange to pay to the division of insurance an annual tax of 2¼% of the net premiums or deposits for the preceding calendar year.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1037 Catastrophic health insurance coverage - purchase by individuals - deductibles - requirements. Allows a catastrophic health insurance policy to be issued to an individual under certain circumstances.

Changes the minimum and maximum deductibles allowed for a catastrophic health insurance policy to at least \$1,500 but no more than \$2,250 for individual coverage and at least \$3,000 but no more than \$4,500 for family coverage.

Includes the minimum and maximum deductibles in the definition of "qualified higher deductible health plan" for purposes of medical savings accounts.

Eliminates the requirement that an employee must have continuous coverage for one year or more with a gap in coverage of no more than 90 days under another health insurance

policy to be covered under group coverage. Permits the insured to choose, without evidence of insurability, group conversion benefits.

APPROVED by Governor March 17, 2000

EFFECTIVE January 1, 2001

H.B. 00-1093 Insolvency coverage. Adds definitions of an owner of a policy or contract for insurance, a structured settlement annuity, and an unallocated annuity contract to the laws governing the life and health insurance protection association (the association). Clarifies the definition of a resident to include a resident who is owed a contractual obligation on the date of the insurer's insolvency. Includes United States citizens living in a foreign country or a United States possession, territory, or protectorate as residents.

Expands the circumstances in which insolvency coverage is available for payees of structured settlement annuities. Allows for denial of insolvency coverage to an owner, payee, beneficiary, or assignee if another state would provide insolvency coverage.

Clarifies the circumstances in which insurance insolvency coverage is not provided, including for unallocated annuity contracts and noncitizens of the United States. Clarifies the date to be used for interest or other value changes. Limits the per-individual benefit liability of the association for health insurance contracts to:

- \$100,000 for health and life insurance policies not including basic hospitalization, major medical, disability, or medical and surgical insurance;
- \$300,000 for disability insurance;
- \$500,000 for basic hospitalization, major medical, or medical and surgical coverage; and
- \$100,000 to a payee of a structured settlement annuity.

Increases the total amount of liability for the association, except for basic hospitalization, major medical, or medical and surgical coverage, from \$300,000 to \$500,000 per individual.

Enables the commissioner of insurance (the commissioner) to request information on contractual obligations of any insurer that is a member of the association (a member). Provides standing for the association to intervene in any Colorado court or agency in which a member may be a party. Allows the association to request information to determine the extent of its obligation. Allows the association to take necessary action to fulfill its obligations and exercise its authority. Limits the benefits available from the association to the obligations under the life and health insurance protection association laws. Establishes the venue for litigation filed against the association in the city and county of Denver. Eliminates the current requirement for filing of an appeal bond for the association. Allows the association to issue substitute coverage that is substantially similar to original coverage prior to insolvency.

Requires the board of the association (the board) to report and make recommendations on matters of insolvency upon request of the commissioner. Requires the board to notify the commissioner when the board has actual knowledge that a member may be insolvent. Removes the requirement of a majority vote for actions taken by the board concerning insolvency.

Allows the board to use discretion when:

- Recommending to the commissioner that insolvency or liquidation proceedings occur for a member; and
- Preparing a report for the commissioner following the insolvency of a member.

Extends the offset of premium tax liability for a member to 5 years. Increases the amount of the offset to \$4 million.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

H.B. 00-1149 Motor vehicles - required coverages - basic personal injury protection examination program - qualifications. Specifies that the income limit for eligibility for the basic personal injury protection program is based, at a minimum, on the nonfarm income poverty guideline for a family of 4 as set by the federal department of health and human services. Requires the adjustment for family size to be an upward adjustment.

APPROVED by Governor May 12, 2000

EFFECTIVE May 12, 2000

H.B. 00-1292 Insurance - credit insurance - term. For purposes of credit insurance, defines the term "truncated coverage" to mean credit insurance providing coverage for any period shorter than the term of the indebtedness. Requires the creditor to disclose to the debtor the term of the credit insurance coverage whenever truncated coverage is elected and that the indebtedness coverage will terminate before the maturity date of the indebtedness.

APPROVED by Governor March 17, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1298 Motor vehicles - seasonal use. Requires automobile insurance companies to provide a policy that covers a motor vehicle that, in accordance with a written statement of nonuse filed by the insured with the department of revenue or its authorized agents, is not operated by any person during a stated time period. Allows such vehicles to be registered if, at the time of registration, the owner has insurance coverage on the vehicle and submits to the department a written statement of nonuse.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1456 Third party beneficiaries - additional insured by endorsement - notice requirements. Requires insurers to notify third parties who are additional insured by endorsement of the status of their claim within a reasonable period of time as determined by the commissioner of insurance. Requires such notice to contain a statement confirming or denying coverage of the claim unless coverage has not been determined. Requires such notice to contain the reasons for denying coverage of the claim if coverage is denied. Permits an insurer to send a reservation of rights letter instead of such notice when coverage has not been determined.

Subjects the insurer to discipline by the division of insurance if the insurer fails to properly notify such third party. Exempts from the provisions of the act claims upon which a lawsuit has been filed.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1465 Domestic insurance companies - financial management. Specifically allows domestic insurance companies to grant, purchase, or dispose of group annuities, unallocated annuities, guaranteed investment contracts, and funding agreements when the domestic insurer has the required capital or guaranty fund and surplus and the insurance and reinsurance is authorized by the domestic insurer's articles of incorporation.

Allows domestic insurers to invest in interest bearing bonds issued by a foreign country up to 20% of the domestic insurers' admitted assets; except that either the aggregate amount in a single jurisdiction shall not exceed 10% of the insurer's admitted assets in a foreign jurisdiction with a rating of one by the securities division of the national association of insurance commissioners within the current purpose and procedures manual or 3% of the insurer's admitted assets as to any other foreign jurisdiction.

Defines domestic and foreign obligation.

Limits the percentage of ownership a domestic insurer may acquire in foreign obligations according to the grade of the obligation being purchased.

Amends the definition of "money market". Requires that domestic insurers invest in money market funds that are eligible for listing or are listed in the national association of insurance commissioners' purposes and procedures manual related to securities valuation for the following categories:

- U.S. direct obligation exempt list;
- U.S. direct obligation/full faith and credit exempt list; or
- Class 1 list.

Changes the priority of distribution for class 2 investments related to policies issued on or after August 15, 2000.

APPROVED by Governor June 1, 2000

EFFECTIVE August 15, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1466 Property and casualty insurance - arson - fraudulent claims. Incorporates the existing definition of a fraudulent insurance act into the "Fraudulent Claims and Arson Information Reporting Act".

Immunizes a person for providing information in good faith in connection with an investigation or prosecution of insurance fraud. Allows sharing of information among

insurers and authorized agencies for the purpose of detecting and preventing insurance fraud. Specifically allows insurers to compare notes on an insured person or applicant for insurance coverage, upon written request and subject to the immunity provisions.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1478 Health insurance - mandated provision - prosthetic devices. Directs that any health benefit plan, except for supplemental policies covering a specific disease or other limited benefit, that provides coverage for hospital, surgical, or medical expense insurance provide coverage for prosthetic devices in accord with medicare standards of coverage. Defines prosthetic device. Requires prior authorization for prosthetic devices. Requires that the most appropriate prosthetic device be used to meet the medical needs of the insured as determined by the treating physician. Requires the prosthetic device be obtained through a vendor or provider with whom the insurer contracts or is designated by the carrier to the extent the prosthetic coverage shall be comparable to other that a carrier provides in-network and out-of-network services.

APPROVED by Governor June 1, 2000

EFFECTIVE January 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

LABOR AND INDUSTRY

S.B. 00-68 Workers' compensation - benefits - funeral and burial expenses. Increases the death benefit for funeral and burial expenses under the "Workers' Compensation Act of Colorado" for deaths occurring on or after February 1, 2000, from a sum not to exceed \$4,000 to a sum not to exceed \$7,000.

APPROVED by Governor April 17, 2000

EFFECTIVE April 17, 2000

S.B. 00-69 Workers' compensation - death benefits - minors. Provides that, if a deceased employee who dies on or after February 1, 2000, is a minor who has no dependents, the employer or the employer's insurance company shall make a payment of up to \$15,000 pursuant to the "Workers' Compensation Act of Colorado" to the employee's surviving parents or, if there are no surviving parents, to the subsequent injury fund. If the minor has partial dependents, requires that a partial payment be made to such dependents, with the balance going to the surviving parents, or, if there are no surviving parents, to the subsequent injury fund.

APPROVED by Governor May 24, 2000

EFFECTIVE February 1, 2000

S.B. 00-127 Cement and plaster manufacturing plants - repeal of maximum workday. Repeals provisions mandating a maximum 8-hour work day at cement and plaster manufacturing plants. Specifies that such repeal should not be construed to mandate overtime for such employees.

APPROVED by Governor March 17, 2000

EFFECTIVE March 17, 2000

S.B. 00-174 Workers' compensation - experience rate modification factors - task force. Allows the workers' compensation classification appeals board to hear grievances related to the determination of an experience rate modification factor rather than the calculation of an experience rate modification factor.

Requires the commissioner of insurance (the commissioner) to convene a task force to evaluate the effectiveness of experience rate modification factors. Requires the commissioner to appoint members of the task force and the commissioner to consult with the division of workers' compensation within the department of labor and employment as well as any other interested parties. Requires the task force to evaluate:

- Simplifying the computation of experience rate modification factors;
- The degree of socialization of costs that occur with the current calculation of experience rate modification factors;
- The equity of the current experience rate modification factors as applied to small and large employers; and
- The appropriateness of including other elements used in the calculation of the experience modification factors, including preexisting injuries and mistakes in the calculation of claims.

Requires the study by the task force be completed by November 15, 2000. Allows the commissioner to accept volunteer participation and financial support to offset the costs

associated with the task force. Allows the commissioner to accept gifts, grants, and donations.

VETOED by Governor May 26, 2000

S.B. 00-184 Underground facilities - damage prevention - liability. Establishes liability based upon damage to underground facilities under certain circumstances and provides for the awarding of attorney fees and costs in such actions. Requires owners of underground facilities to provide excavators with documentation regarding the facilities' location. Creates an alternative dispute resolution mechanism. Increases penalties for violators. Mandates safety education for violators. Requires owners and operators of underground facilities that are damaged so as to interrupt the service provided by the underground facility to notify the existing statewide notification association within 90 days after restoration of such service, and requires the notification association to include a statistical summary of such service interruption information in an annual report.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

H.B. 00-1056 Unemployment revenue fund - appropriation. Credits revenue collected from the following sources by the division of employment and training in the department of labor and employment to the unemployment revenue fund:

- All employer penalties collected for failure to timely furnish tax reports or pay taxes under the "Colorado Employment Security Act";
- All claimant monetary penalties collected and all investigative costs awarded in connection with overpayments established due to an individual's false representation or willful failure to disclose a material fact under the "Colorado Employment Security Act"; and
- All remaining moneys in the federal advance interest repayment fund after all known interest charges and associated administrative costs have been paid.

Appropriates \$437,403 and 8.0 FTE to the department of labor and employment, unemployment insurance fraud program for the provision of unemployment insurance fraud program services to the department of labor and employment related to the implementation of the act.

APPROVED by Governor May 24, 2000

EFFECTIVE July 1, 2000

H.B. 00-1083 Job training and workforce development - federal, state, and local programs - coordination - public/private partnerships - operation of one-stop career centers - appropriation. Implements the federal "Workforce Investment Act of 1998" by creating a system of local and regional boards, appointed by local elected officials, to deliver services and receive and administer federal moneys, including block grants, for:

- Job training and placement;
- Skill assessment and continuing education;
- Assessment of current and projected personnel needs of employers;
- Youth job training programs;
- Employment programs for displaced workers and military veterans; and

- Other work force development efforts.

Integrates existing programs within the governor's office into the statewide system and places the operation of the system under the general supervision of the governor, in accordance with federal guidelines. Provides for automatic designation, as part of the federal program, of geographic areas already designated by the governor under preexisting state programs.

Specifies that work force investment boards shall have a majority of members that represent the business community and each shall be chaired by a member representing the business community. Allows for the creation of a "consortium" work force investment board to act on behalf of the local boards collectively and serve as an agent for the purpose of coordinating with federal officials.

Requires the local work force investment boards to prepare and submit plans for their respective geographic areas. Directs the governor, with the assistance of the state work force development council, to prepare and submit a statewide plan to the United States department of labor.

Calls for the delivery of services via one-stop career centers, which shall be operated by private contractors selected by the local work force investment boards. Specifies that "core services" shall be offered to job-seekers, employers, veterans, and members of the general public. Defines core services for job-seekers to include registration in a centralized computer system, information on education and training programs, labor market information, skill assessment services, access to a multimedia library including internet-based services, job referral and placement, self-help resume preparation resources, and referrals to adult literacy programs, youth services, rehabilitation services, and other community resources.

Encourages the provision of services for employers, which services may include recruiting assistance, referral of skilled applicants, professional account representatives and management services, information on veterans' benefits and services, and layoff assistance. Allows for the provision of other services as well, at the option of local officials.

Creates an allocation process for the distribution of federal moneys. Directs the department of labor to administer the statewide labor market information and fiscal systems, assist in establishing and operating one-stop career centers, disseminate lists of eligible youth providers and other potential contractors, requesting federal waivers as necessary, and otherwise assist in the establishment, maintenance, and operation of the state's work force investment programs.

Appropriates \$150,467 and 2.0 FTE to the department of local affairs for implementation of the act.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

H.B. 00-1086 Unemployment insurance benefits - offset for social security benefits. Reduces to 50% the amount of the offset against unemployment insurance benefits for persons receiving social security and other types of pension benefits.

APPROVED by Governor May 30, 2000

EFFECTIVE October 1, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1091 Boiler inspections - explosives - permits - fees. Directs the boiler inspection section of the division of labor ("section") to adopt rules setting forth a time schedule and establishing fees for the inspection of boilers and pressure vessels, replacing the current statutory requirements for annual inspections and \$40 annual fees, respectively. Requires the division to take an inventory of existing boilers in the state and report the results of such inventory to the legislative audit committee together with a proposed range of basic fees that take into account specified factors, including the size and type of boilers and whether or not they are insured with an authorized inspection organization.

In addition to the basic fee, allows the section to adopt special fee for disconnection and reconnection inspections.

Requires the owners of boilers that have been condemned or voluntarily taken out of service to report the location of such boilers to the section. Allows the section to adopt rules for the safe removal from service of such boilers. Allows owners to place such boilers back in service upon compliance with existing provisions for satisfactory repair and pre-service inspections.

In provisions regulating the production, storage, transportation, sale, and use of explosives, changes from a one-year to a 3-year permit structure and adjusts the permit fee accordingly, from \$25 for a one-year permit to \$75 for a 3-year permit. Allows for the issuance of conditional permits.

Allows the office of active and inactive mines ("office") to issue explosives permits with effective dates that coincide with the effective dates of federal explosives permits. Authorizes the office to establish transitional permits for purposes of coordinating with the federal schedule. Adopts fees, ranging from \$30 to \$270 depending on the number of employees of the mining operation, for the 3-year explosives permits.

APPROVED by Governor March 17, 2000

EFFECTIVE March 17, 2000

H.B. 00-1175 Workers' compensation - subsequent injury fund. Clarifies that the subsequent injury fund maintains sufficient resources to pay for occupational diseases occurring prior to April 1, 1994.

APPROVED by Governor March 10, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1180 Workers' compensation - written orders. In workers' compensation cases, requires the issuance of written orders with specific findings of fact and conclusions of law within 30 calendar days after the conclusion of a hearing. Removes the authority for administrative law judges to make summary rulings without written orders in such cases. Allows orders to be sent to the parties by electronic mail.

By July 1, 2003, requires the division of administrative hearings to report to the business affairs and labor committees of the senate and house of representatives on the effect of the elimination of summary orders in workers' compensations cases.

APPROVED by Governor April 28, 2000

EFFECTIVE April 28, 2000

H.B. 00-1291 Labor relations - wages - final paycheck - delivery. Specifies that if an employer terminates an employee, and the employer's accounting unit is located off the work site, the employer must deliver the employee's last paycheck no later than 24 hours after the start of such employer's next regular workday to a location selected by the employer. Specifies that if an employee quits or resigns, the employer must deliver the employee's last paycheck to a location selected by the employer.

APPROVED by Governor April 24, 2000

EFFECTIVE April 24, 2000

H.B. 00-1293 Workers' compensation - benefits - to whom payable - attorney for claimant. Adds an exception to the existing prohibition on payment of workers' compensation benefits to anyone other than the injured employee or his or her dependents. Allows a licensed attorney to accept benefits on behalf of a claimant, for the purpose of distribution, pursuant to a power of attorney in cases where the employer has admitted liability or where the division of workers' compensation so orders.

APPROVED by Governor March 29, 2000

EFFECTIVE July 1, 2000

H.B. 00-1383 Workers' compensation - age of retirement. Deletes the specific reference to age 65 as the age of retirement for the purpose of calculating the offset for periodic benefits for permanent total disability under the "Workers' Compensation Act of Colorado", in order to account for changes at the federal level in the age of retirement.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1446 Workers' compensation - insurance - definition of "employee" - exclusion of host home providers. Excludes host home providers from the applicability of the term "employee" for purposes of workers' compensation. Also excludes host home providers from the provision in workers' compensation law that deems a person who conducts any business by leasing or contracting out any part or all of the work to a contractor to be an employer.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1455 Employment of youth - limitations on working hours - penalties. Raises the administrative penalties for violating the prohibition on persons under 16 working from 9:30 p.m. to 5 a.m. in the "Colorado Youth Employment Opportunity Act of 1971" from \$20 to a range of \$200 - \$500 for first time violators and of \$500 - \$1000 for a subsequent violation within 6 months after the first offense. Adds penalties of \$1,000 - \$10,000 for all third and

subsequent violations within 6 months after the first offense. Requires notice of the provisions of this act to be included in any wage order sent to the employer and posted in the employer's establishment.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

H.B. 00-1486 Petroleum storage tank fund. Allows moneys from the petroleum storage tank fund (fund) to include facility inspections and meter calibrations until July 1, 2003. Clarifies that moneys in the petroleum storage tank fund may not be used to supplant moneys received from the statewide indirect cost allocation agreement with the federal government or be used for purposes not specifically enumerated. Reduces the maximum fee that may be collected for the fund through the environmental response surcharge from \$100 to \$75 per tank truckload. Postpones the date after which the minimum fee so collected becomes effective whenever the fund falls below \$8,000,000 from the current date of July 1, 2001, to July 1, 2004.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

MILITARY AND VETERANS

H.B. 00-1161 Veteran service officers - payments. Eliminates the minimum and maximum general fund appropriations for veterans service officers. Directs that the amount of state appropriation for such officers be established in the long bill.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1491 Western slope veterans' cemetery - appropriations - operations and maintenance. Clarifies that the western slope veterans' cemetery fund ("fund") may receive general fund moneys appropriated by the general assembly.

Clarifies that, if the entire general fund appropriation made to the department of human services for allocation to the division of veterans affairs for the fiscal year that commenced on July 1, 1999, is not needed to pay the costs of design and construction of the cemetery, the remainder of such appropriation need not revert to the general fund and may be used by the division of veterans affairs to pay any costs associated with the operation and maintenance of the cemetery.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 00-11 Driver's licenses and identification cards - confidentiality - term - renewals. Requires that the division of motor vehicles in the department of revenue ("division") keep confidential information relating to the identification of persons. Specifies persons who may have access to such information maintained by the division. Authorizes persons to waive confidentiality.

Beginning July 1, 2001, for persons 21 to 60 years of age, extends the term of a driver's license or an identification card from 5 to 10 years. Eliminates duplicate driver's licenses and identification cards except for persons under 21 years of age. Eliminates the provisional driver's license for persons 18 to 21 years of age and the need for renewal of an identification card at 18 years of age. Doubles the cost of a driver's license and identification card on and after July 1, 2006. Requires the division to report to the transportation legislation review committee concerning the effect that doubling the terms of driver's licenses and identification cards will have on the fee revenue of the division and its authorized agents.

Eliminates the requirement that an applicant submit an eye examination report for renewal of a driver's license by mail. Extends the maximum period of a temporary license from 90 days to one year.

For fiscal year 2001-02, increases the allocation of sales and use tax revenues to the highway users tax fund by \$67,000, and specifies the allocation of such amount.

Directs the division to issue temporary disabled parking permits to persons from other states who become disabled while in this state.

APPROVED by Governor May 30, 2000 **PORTIONS EFFECTIVE** May 30, 2000
July 1, 2000
July 1, 2001

S.B. 00-15 Regulation of vehicles - electronic titles - records maintained by county clerks - appropriation. Adds definitions of electronic record, file, record, and signature to motor vehicle title certificate laws.

Allows the executive director of the department of revenue (director) to promulgate rules for electronic record keeping to be done by county clerk and recorders for each county and the Denver manager of revenue, as authorized agents of the director. Allows for electronic or paper filing of motor vehicle certificates of title. Allows for filing of mortgages, refinancing of mortgages, and liens in an electronic format. Allows for salvage designation to be made in the electronic record.

Clarifies that a transfer of title is necessary when selling or conveying the title of a vehicle.

Allows for the presentation of a court order when title to a vehicle is conveyed by gift, death, or law.

Clarifies that authorized agents conduct the primary business related to certificates of title and maintain the electronic files. Authorizes agents to transfer electronic files to the director for maintenance of a centralized file. Specifies that the director will promulgate rules

related to when electronic signatures are acceptable.

Requires the director to develop a plan to implement electronic filing on a statewide basis. Specifies that electronic filing will be implemented by July 1, 2006. Allows the director to grant a county an exclusion from the electronic filing system based on a showing that electronic filing would be burdensome to the county.

Repeals obsolete provisions.

Appropriates \$241,199 out of the distributive data processing fund and 1.0 FTE to the department of revenue for the implementation of this act.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2001

S.B. 00-18 Ignition interlock devices - repeal probationary license provisions - expand restricted licenses - increase penalties - appropriation. Extends the repeal of the current voluntary ignition interlock probationary license program until January 1, 2001.

Includes driving while ability is impaired as an alcohol-related offense that, if committed within 5 years after another alcohol-related offense, requires the defendant to hold a restricted license requiring an ignition interlock device for one year. Eliminates the \$33 fee for each ignition interlock lease.

Repeals the requirement that a person convicted of driving under the influence who is not required to have an ignition interlock restricted license for one year must have the restricted license for 6 months.

Permits a person who is required to have an ignition interlock restricted license for one year and who is not the owner of a motor vehicle to obtain a restricted license without submitting a lease for an ignition interlock device.

For offenses relating to driving a motor vehicle without an ignition interlock device and circumventing or attempting to circumvent an ignition interlock device:

- Increases the penalty to a class 1 traffic misdemeanor;
- Requires a police officer issuing a citation for such a violation to immediately confiscate the license and to file an incident report;
- Prohibits the acceptance of a plea to another offense unless the prosecuting attorney represents that a prima facie case of the offense could not be proven at trial.

Effective January 1, 2001, changes the voluntary ignition interlock program from a probationary license to a restricted license program. Establishes eligibility and ineligibility requirements for the voluntary restricted license. Sets the length of the restriction to at least the time remaining before the person would be eligible for a new license.

Revokes the restricted license of anyone who violates the restrictions. Allows the restriction to be extended one year if a person attempts to start a vehicle while intoxicated 3 times within any 12-month period. Prohibits the operation of commercial vehicles while under the license restriction.

Appropriates \$20,853 to the department of revenue.

APPROVED by Governor May 26, 2000

PORTIONS EFFECTIVE July 1, 2000
January 1, 2001

S.B. 00-53 Definition of school bus - school-sponsored activities - stopping at railroad crossings. Clarifies the definition of school bus to include leased vehicles and vehicles used in transporting children to school-sponsored activities.

Limits the provisions of the statute requiring certain vehicles to stop at railroad crossings to apply only to those school buses required to have school bus markings and visual signal lights.

APPROVED by Governor March 9, 2000

EFFECTIVE March 9, 2000

S.B. 00-54 Organ and tissue donation - central registry of donors - consent for minors to donate - appropriation. Finds that, although the number of individuals within the United States who have donated organs upon death has increased, the need far outweighs the supply of donated organs. Declares that it is in the best interests of Colorado to create and maintain a registry of the donors of organs and tissue to facilitate timely and successful organ and tissue procurement.

Creates an organ and tissue donor registry, to be implemented and maintained by the federally designated organ procurement agency for the region. Requires the department of revenue to electronically provide records of persons who have designated organ and tissue donation on a driver's license, driver's permit, or identification card. Requires moneys from the organ and tissue donation awareness fund to pay all reasonable costs associated with electronic transfer of data. Clarifies that all subsequent electronic transfer of data shall be available to the federally designated organ procurement agency at no charge. Prohibits the use of information within the organ and tissue donor registry for fund-raising. Allows information from the organ and tissue donor registry to be released for the facilitation of organ or tissue donation.

Requires donors of organs or tissue who decide to amend or revoke their anatomical gift to notify the federally designated organ procurement agency to allow the registry to be updated. Encourages physicians who receive notification that a person wants to donate organs or tissue to notify the federally designated organ procurement agency to update the registry, as practicable.

Clarifies that a minor may volunteer to donate organs or tissue upon death on an instructional driving permit, minor driver's license, or donor card with parental consent or if the minor is emancipated.

Requires the organ and tissue awareness fund to pay for computer programming and form changes necessary as a result of the creation of the organ and tissue donor registry and to educate the public about the registry. Allows the department of revenue to request a donation of one dollar or more from driver's license applicants for the organ and tissue donation awareness fund.

Appropriates \$34,040 from the organ and tissue donation awareness fund to the

department of revenue for the implementation of the act.

Provides that sections 13 and 14 of the act shall only take effect if Senate Bill 00-11 becomes law.

APPROVED by Governor May 23, 2000

EFFECTIVE July 1, 2000

NOTE: Senate Bill 00-11 was signed by the Governor on May 30, 2000.

S.B. 00-87 Drivers' licenses - revocation - grounds - determination of blood alcohol level. Requires the determination of whether a driver under 21 years of age has been drinking alcohol to be made by a breath test when the expected level of blood alcohol is in the range of at least 0.02 but not in excess of 0.05 grams of alcohol per 100 milliliters of blood, except in cases of medical necessity.

APPROVED by Governor May 12, 2000

EFFECTIVE May 12, 2000

S.B. 00-93 Towing carriers - notification requirements - lienholder and owner. Requires a towing carrier to notify the owner and any lienholder of a towed vehicle that such vehicle has been towed within 5 days after such tow; otherwise, the tow operator forfeits all storage fees from the date of the tow until the owner and lienholder are notified. Caps the fees a tow operator may charge for giving such notice. Requires the department of revenue to implement an electronic system that provides tow operators with the information, but only the information necessary, to make such notification.

APPROVED by Governor March 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-146 License plates - collectors' items - use of original plates - appropriation. Authorizes the use of original plates on collectors' vehicles if the plates were made before 1943, are embossed with the year of issue, are legible, do not exceed seven characters, and were issued contemporaneously with the year of manufacture of the vehicle upon which they are displayed. Restricts the use of vehicles with such plates.

Appropriates \$15,400 to the department of revenue from the distributive data processing fund for the implementation of the act.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1012 License plates - fees - mailing. Requires applicants for motor vehicle registration who wish to have their license plates mailed to them to pay to the authorized agents of the department of revenue a reasonable fee to cover the actual shipping and handling costs incurred by the authorized agent. Caps such fee at \$5. Allows the department's agents to collect and retain such a fee.

APPROVED by Governor May 24, 2000

EFFECTIVE May 24, 2000

H.B. 00-1024 Registration - proof of insurance - light trucks and sports utility vehicles. Expands the requirement that a person registering or renewing the registration of a motor vehicle with the department of revenue provide proof of a complying motor vehicle insurance policy, operator's policy, or certificate of self-insurance, to include light trucks that are sixteen thousand pounds empty weight that are not insured through a commercial line of insurance and sports utility vehicles that are classified as class B personal property.

APPROVED by Governor May 12, 2000

EFFECTIVE May 12, 2000

H.B. 00-1042 License plates - purple heart recipients - elimination of fees and taxes - appropriation. Eliminates the payment of fees and specific ownership taxes for one set of special license plates for purple heart recipients. Requires an eligible person who applies for any additional such license plates to pay the appropriate fees and taxes.

Appropriates \$66,827 to the department of education for the implementation of the act. Reduces the general fund appropriation to the capital construction fund and the capital construction fund exempt appropriation to the department of transportation by \$66,827.

APPROVED by Governor May 23, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1070 License plates - temporary plates, tags, or certificates - number of days valid. Increases the maximum number of days for which the department of revenue may issue a temporary motor vehicle license plate, tag, or certificate from 45 days to 60 days.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1140 Specific ownership tax - Class A and B personal property - taxable value - appropriation. Changes the taxable value for Class A and B vehicles from 75% of the manufacturer's suggested retail price to the actual purchase price. Defines "actual purchase price" as the gross selling price, including all property traded to the seller in exchange for the vehicle. Requires that a manufacturer's statement of origin be provided to the department in order for the taxable value to be set at the particular price the purchaser paid; otherwise, the department shall set taxable value by a uniform compilation of values.

Appropriates \$147,767 to the department of education, public school finance, total program, for the implementation of the act.

APPROVED by Governor May 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 00-1142 Commercial vehicles - engine compression brake device - muffler. Requires commercial vehicles that are equipped with engine compression brake devices to have mufflers for such devices. Authorizes personnel of port of entry weigh stations to enforce the muffler requirement for commercial vehicles that are equipped with engine compression brake devices. Makes the use of engine compression brake devices without mufflers by commercial vehicles punishable by a \$500 fine. Provides for half of the fine to be transmitted to the highway users tax fund and the other half to be transmitted to the financial officer of the city or unincorporated area of the county where the violation occurred.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1153 Drivers' licenses - cancellation - grounds - outstanding warrants. Authorizes the department of revenue (the department) to cancel or deny a driver's license or renewal of a license for persons who have certain outstanding warrants or judgments issued against them after giving such persons an opportunity to submit written proof that the warrants or judgments are no longer outstanding. Authorizes the department to cancel or deny a driver's license or renewal of a license of persons who have submitted fraudulent proof regarding license cancellation or denial.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1178 Special mobile machinery - proration of payments - specific ownership tax - registration - appropriation. Authorizes the owners of special mobile machinery (self-propelled construction equipment and the like) to seek assessment of a prorated specific ownership tax and registration for such special mobile machinery based upon the number of months, between 2 and 11, per year the special mobile machinery is located in Colorado and, for registration only, the number of miles the machinery may be driven in Colorado. Requires the department of revenue to remit prorated taxes monthly to the state treasurer. Allows extension of the prorated specific ownership tax and registration. For the tax, such extension shall be allowed upon proof that the owner requires additional time to complete the work for which the special mobile machinery is being used and payment of the extended prorated specific ownership tax. Specifies that any person who commits fraud in connection with an application for prorated specific ownership tax commits a class 2 misdemeanor traffic offense, and that an owner who operates special mobile machinery in Colorado after the expiration of the period for which the specific ownership tax was assessed is subject to a civil penalty of \$500 or double the specific ownership tax, whichever is greater. Authorizes peace officers and port of entry personnel to enforce the specific ownership tax proration program.

Appropriates \$84,700 to the department of revenue for the implementation of the act.

APPROVED by Governor May 31, 2000

EFFECTIVE July 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1227 Registration - fees - reduction - temporary TABOR surplus refund mechanism - appropriation. Beginning July 1, 2001, and in any fiscal year thereafter in which the state budget is projected to contain a surplus of at least \$330,000,000 that would otherwise be subject to a refund under article X, section 20 of the state constitution ("taxpayers' bill of rights" or "TABOR" amendment), reduces the annual basic registration fees for passenger cars to \$2.50 and for most other passenger-carrying motor vehicles and certain trailers to \$2.25. Reduces the annual registration fees for trucks, truck tractors, and other vehicles by 25%, subject to a minimum of \$2.25.

Directs the state treasurer to increase the amount of sales and use tax paid to the highway users tax fund and decrease the amount paid to the general fund, each month, in an amount equal to the reduction in motor vehicle registration fees received during the preceding month as reported by the executive director of the department of revenue. Allocates the money thus effectively transferred as follows: 65% to the state highway fund; 26% to counties; and 9% to municipal governments.

Appropriates \$60,597 to the department of revenue for implementation of the act.

APPROVED by Governor May 31, 2000

PORTIONS EFFECTIVE July 1, 2000
July 1, 2001

H.B. 00-1323 License plates - special plates - agriculture and natural resources plate - appropriation. Authorizes the department of revenue to issue special license plates to persons requesting the plates for the benefit of the Colorado foundation for agriculture. Permits the Colorado foundation for agriculture to collect special dues and issue a certificate to persons wishing to support the foundation. Requires persons who apply for or renew special agriculture and natural resources license plates to present the certificate to the department of revenue or the department's authorized agent. Requires any moneys collected by the foundation for special license plates to be spent on the foundation's programs. Permits applicants to apply for personalized special agriculture and natural resources license plates for an additional fee.

Appropriates \$23,100 to the department of revenue for the implementation of this act.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1381 Diesel emissions - inspection fee. Increases the fee for diesel emissions testing from \$45 to the posted hourly rate for shop work for one hour. Requires the personnel of a testing facility to inform the owner of the diesel vehicle of the fee prior to the commencement of any testing activities.

APPROVED by Governor June 1, 2000

EFFECTIVE February 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 00-1393 License plates - special plates - military veterans - maximum weight limit increase - appropriation. Increases the maximum weight allowed for issuance of special license plates for military veterans from 6,500 to 12,000 pounds empty weight for all eligible vehicles except motorcycles. Expands the list of eligible vehicles to include noncommercial and recreational vehicles. Requires the owners of vehicles over 6,500 pounds empty weight to pay the fee for the issuance of such special license plates.

Appropriates \$9,240 to the department of revenue for the implementation of this act.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1426 Driving under restraint - habitual offenders - enhanced sentence - license surrender - speeding - point assessment. Enhances the sentence for an habitual offender convicted of driving on a revoked operator's license. Requires a defendant to surrender his or her operator's license or permit to the court upon entering a guilty or nolo contendere plea to, or upon a verdict or judgment of guilt on, certain charges concerning driving under restraint. Requires the court to forward a notice of the plea, verdict, or judgment, along with the surrendered license or permit, to the department of revenue. Makes failure to surrender the license or permit a class 2 misdemeanor traffic offense.

Clarifies that speeding violations include speeding in excess of the reasonable and prudent speed and speeding in excess of the maximum lawful speed limit. Modifies the point assessment for certain speeding violations.

Applies to offenses committed on or after July 1, 2000.

APPROVED by Governor May 23, 2000

EFFECTIVE July 1, 2000

H.B. 00-1492 Emissions inspection program - clean screen program - enhanced and basic areas - appropriation. Authorizes operation of the clean screen motor vehicle emissions inspection program in the enhanced inspection area beginning January 1, 2002, and allows the El Paso county portion of the basic area to opt out of the clean screen program if it acts by September 1, 2000. Deletes the requirement for the general assembly to hold a hearing to determine whether there is a need for the clean screen program.

Gives the executive director of the department of public health and environment discretion regarding the term and the rebidding of the contract to perform the clean screen inspections. Requires the companies that conduct inspections to notify the department of revenue of vehicles they have determined, either through an inspection at an inspection center or a clean screen, comply with the inspection requirements. Allows a county clerk to issue a registration for a vehicle when the department of revenue notifies the clerk that such vehicle does not need a test.

Requires clerks to collect an emissions inspection fee for each vehicle registered in

the enhanced area and to transmit such fee to the state treasurer. Directs the state treasurer to deposit such fees in a trust account and to pay out such fees monthly to the entities conducting inspections upon receipt by the department of revenue of a notification from such entities of the number of emissions inspections completed by each such entity in the previous month. Specifies such fees to be \$5 in the basic program area and \$7 in the enhanced program area. Requires initial inspections conducted at enhanced inspection centers to be free.

Appropriates \$92,400 from highway users tax fund AIR account to the department of revenue for the implementation of the act.

VETOED by Governor May 26, 2000

NATURAL RESOURCES

S.B. 00-16 Oil and gas conservation commission - members - appropriation. Eliminates the requirement that at least one member of the oil and gas conservation commission be appointed from each congressional district in the state.

Increases the number of members that must be appointed from west of the continental divide from 1 to 2. Requires that, to the extent possible, the other members of the commission be appointed taking into account the need for geographical representation of other areas of the state with high levels of oil and gas activity or employment.

Allows each member a \$50 per diem for meetings or hearings actually attended.

Appropriates \$16,492 from the oil and gas conservation commission fund for allocation to the oil and gas conservation commission for the implementation of this act.

APPROVED by Governor May 23, 2000

EFFECTIVE July 1, 2000

S.B. 00-55 Mining - royalties under federal leasing - local government mineral impact fund. Requires that all income derived from the deposit and investment of the moneys in the local government mineral impact fund be credited to the fund commencing July 1, 2001.

APPROVED by Governor March 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-230 Wildlife - future generations trust fund - wildlife habitat account - transfer of funds from wildlife cash fund. Requires interest earned on moneys deposited in the wildlife for future generations trust fund (fund) to be continuously appropriated for operation and maintenance of properties and other wildlife projects and programs as deemed appropriate by the wildlife commission.

Establishes that the wildlife commission shall submit a report to the general assembly concerning moneys proposed to be expended from the fund in any upcoming fiscal year.

Creates the wildlife habitat account in the fund. Requires interest earned on moneys deposited in the wildlife habitat account to be continuously appropriated solely for operation and maintenance of properties, leases, and easements owned by the division of wildlife in the department of natural resources.

Requires the state treasurer to deduct \$5,000,000 from the wildlife cash fund and transfer it to the wildlife habitat account.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

H.B. 00-1047 Wildlife - commission - continuation of sunset dates. Extends the sunset dates to July 1, 2005, for:

- The wildlife commission's authority to make acquisitions of land and water for wildlife purposes;
- The capital development committee's review of and recommendations on reports submitted by the wildlife commission concerning proposed real property transactions; and
- The bid solicitations procedure required of the commission for purchasing real property and water interests.

APPROVED by Governor April 11, 2000

EFFECTIVE April 11, 2000

H.B. 00-1071 Division of wildlife - land acquisition in Larimer county - authorization - appropriation. Authorizes the division of wildlife (division), in the department of natural resources, to purchase 2 parcels of land in Larimer county. The first parcel is commonly referred to as Circle Ranch and consists of approximately 5,400 acres, more or less. The second parcel is a parcel owned by the state land board and consists of approximately 720 acres, more or less. Requires the amount paid by the division to be the contract price subject to the performance of an additional appraisal.

Allows the division to purchase such water and mineral rights located on or appurtenant to such land as the division may choose.

Requires the division to annually request appropriations from the wildlife cash fund sufficient to cover all reasonable operation and maintenance and weed control costs, not including applicable great outdoors Colorado program trust fund moneys, to assure compliance with applicable law.

Appropriates up to \$6,670,000 to the department of natural resources for allocation to the division of wildlife for the purchase, but reduces this amount to account for funds received from the federal government or other sources. Specifies that it is the intent of the general assembly that the division not complete the acquisition unless it has received written commitments that it will receive monetary reimbursements to cover within \$550,000 of the purchase price of the property from sources other than the wildlife cash fund.

Appropriates \$49,520 to the department of natural resources for allocation to the division of wildlife for the property development and operating costs authorized in the act. Reduces the appropriation by the amount of any moneys received from federal or other sources not appropriated in the act.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

H.B. 00-1098 Wildlife - hunting licenses - conservation landowner preference. Declares that the wildlife resources of the state are in danger of decline from increasing population pressures and loss of habitat, and that it is necessary to provide an incentive-based system to landowners to provide habitat for wildlife through a hunting license allocation program that allows hunters access to the state's wildlife under the cooperative control of the private landowner.

Specifies that landowners of 160 acres or more of agricultural land are eligible to participate in a wildlife conservation landowner preference hunting program. Entitles such owners to make applications for vouchers that can be converted into hunting licenses by

those qualified for big game hunting licenses. Allows such landowners to transfer the vouchers to qualified hunters. Sets forth a schedule of eligibility for such applications based on the amount of acreage owned by eligible landowners. Authorizes the wildlife commission to promulgate rules for the issuance of hunting licenses based on game management objectives. Provides parameters for any game management units established for such purposes. States that hunting seasons for male licenses issued under this program will run concurrently with public hunting seasons or as designated by the wildlife commission. Permits the wildlife commission to specify, in rules for antlerless management, that participation in the program is conditioned on requirements that landowners allow hunting for certain species in separate seasons designated by the commission.

Requires the wildlife commission to adopt rules so that the program can be implemented prior to July 1, 2001.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1255 Wildlife - hunting licenses - issuance - auction or raffle - appropriation. Allows the division of wildlife in the department of natural resources to issue up to 4 deer licenses, 4 elk licenses, and 4 antelope licenses per year through competitive auctions or raffles in a manner similar to that currently followed for bighorn sheep, mountain goats, and shiras moose.

Permits the conduct of such auctions or raffles to be delegated to nonprofit organizations involved in the conservation of deer, elk, and antelope, subject to approval by the wildlife commission. Allows such nonprofit organizations to retain up to 80% of the proceeds of such auctions or raffles, subject to an annual accounting and the requirement that proceeds be used for research, educational projects, management, or habitat development for each respective species. Specifies that habitat development does not include land acquisitions.

Appropriates \$17,600 from the wildlife cash fund to the department of natural resources for allocation to the division of wildlife for the implementation of the act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1261 State parks - fees - alteration by rule. Authorizes the board of parks and outdoor recreation in the department of natural resources to increase the fees it sets by rule by an amount that does not exceed the current amount of the fee multiplied by the average annual percentage of allowable increase in state fiscal year spending, as determined in accordance with the state constitution's "Taxpayer's Bill of Rights" (TABOR) since the fiscal year 1997-1998, compounded annually. To manage demand for services provided by the board, allows the board by rule to lower fees by any amount deemed necessary and to charge a park capacity fee of up to \$4 per day that applies either on particular days or during specified seasons. Requires the board to determine whether such capacity fee shall be charged in conjunction with or independently of any other fee.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1314 Endangered species - division of wildlife reintroduction of the bonytail and the black-footed ferret. Determines that the bonytail and the black-footed ferret are not currently found in Colorado and are listed under the federal "Endangered Species Act of 1973".

Authorizes the reintroduction of the bonytail and the black-footed ferret in Colorado by the division of wildlife (division). States that the reintroduction shall commence before December 31, 2002.

Requires the division to submit annual reports to the house agriculture, livestock, and natural resources committee and the senate agriculture, natural resources, and energy committee on the status of the reintroduction of the bonytail and the black-footed ferret. Also requires the report to assess whether the reintroduction of the black-footed ferret will impair any use of private land or beneficial use of water existing at the time of reintroduction.

Mandates further legislative approval to reintroduce the black-footed ferret in any areas outside the population boundaries described in the black-footed ferret cooperative management plan, dated June, 1995 (management plan).

Ensures that Colorado shall enforce the provisions of the management plan up to and including litigation. Requires the state to relocate any black-footed ferrets in Colorado that move outside of the experimental population boundaries described in the plan. Provides that nothing in such management plan shall affect current prairie dog management efforts on private lands.

APPROVED by Governor April 18, 2000

EFFECTIVE April 18, 2000

H.B. 00-1322 Wildlife - legislative action before introduction into state. Requires the general assembly to act by bill prior to the introduction or reintroduction (introduction) of any species into Colorado; except that nonaquatic species released prior to the effective date of this act or any previous release approved by the general assembly are not considered introductions. Requires the department of natural resources to prepare a report of the impact of the introduction of species into the state prior to such introduction. Requires the department of natural resources to annually prepare a report for each of the 5 years following the introduction of a species as to the status and success of the introduction.

APPROVED by Governor May 24, 2000

EFFECTIVE May 24, 2000

H.B. 00-1417 Mined land reclamation operations - fees. Increases the fees for mined land reclamation operations paid to the office of mined land reclamation.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

H.B. 00-1429 Species conservation trust fund - transfer moneys from operational account of the severance tax trust fund. Transfers \$5,000,000 from the severance tax trust fund operational account to the species conservation trust fund. Of such sum, allocates \$2,500,000 to the operation and maintenance account and \$2,500,000 to the capital account.

APPROVED by Governor May 16, 2000

EFFECTIVE May 16, 2000

H.B. 00-1448 Hunting - licenses - fees - increase in nonresident fees. Increases nonresident big game license fees to levels comparable to those in other western states. Indexes such fees to inflation on an annual basis. Requires notification of the joint budget committee prior to the effectiveness of any such increased fee.

APPROVED by Governor May 30, 2000

EFFECTIVE May 30, 2000

H.B. 00-1460 Division of forestry - forestry advisory board - creation within department of natural resources - soil conservation board - transfer from department of agriculture to department of natural resources. Creates the division of forestry and the forestry advisory board in the department of natural resources as **type 2** agencies. Repeals the forestry advisory board on July 1, 2010, subject to review by the department of regulatory agencies.

Requires the executive director of the department of natural resources and the Colorado state forest service, through the state board of agriculture, to cooperate in the state's efforts to improve the management and health of Colorado's forests and to provide staff for the division of forestry. Establishes the powers and duties of the division of forestry. Requires the state forester to be appointed by the state board of agriculture.

Moves the state soil conservation board from the department of natural resources to the department of agriculture as a **type 1** agency. Transfers the staff of the soil conservation board to the department of natural resources as a **type 2** transfer. Moves all property of the former state soil conservation board to the relocated state soil conservation board.

APPROVED by Governor May 17, 2000

EFFECTIVE July 1, 2000

H.B. 00-1474 Colorado oil and gas conservation commission - financial assurance moneys - continuous appropriation. Continuously appropriates to the Colorado oil and gas conservation commission, for the purpose of fulfilling obligations upon which a contractor has defaulted, those moneys in the oil and gas environmental response fund that constitute security or financial assurance provided by operators.

APPROVED by Governor May 24, 2000

EFFECTIVE May 24, 2000

H.B. 00-1483 Predator management plan - predator management advisory committee - appropriation. Requires the division of wildlife (division) to develop a predator management plan no later than January 1, 2001, which plan shall be implemented by March 1, 2001.

Specifies that the predator management plan developed by the division shall focus primarily on the management of bears, coyotes, and mountain lions; shall determine acceptable populations of such predators regionally; and shall develop strategies to implement the management of the predators. Creates the predator management advisory committee (committee) to ensure that the division develops and implements the predator management plan with sufficient input from persons impacted by the plan. Repeals the committee, effective July 1, 2001.

Establishes that the committee shall consist of 7 members appointed by the governor to represent farming and ranching communities, sporting groups, wildlife organizations, the scientific community, environmental organizations, the commissioner of agriculture, and the executive director of the department of natural resources. Specifies that 2 of the members shall be from the western slope.

Requires the committee to be co-chaired by the commissioner of agriculture and the executive director of the department of natural resources. Also requires the department of natural resources, the department of agriculture, and the college of natural resources at Colorado state university to serve as resources for the committee.

Appropriates \$150,000 from the wildlife cash fund to the department of natural resources for allocation to the division of wildlife for the implementation of the act.

APPROVED by Governor May 30, 2000

EFFECTIVE July 1, 2000

PROBATE, TRUSTS, AND FIDUCIARIES

H.B. 00-1139 Guardians - appointment for minors. Gives a guardian of a child the right to appoint a guardian by a will or other written instrument. Allows for court appointment of a guardian in cases where guardianship of a child has previously been granted to a third party and the guardian had not made a testamentary appointment of a guardian for the child. States that in such circumstances, the court shall not presume it is in the best interests of a child to be in the care of a parent in circumstances where a court has previously granted custody of a child to a third party. Provides that a guardian may not appoint a surviving parent who has no parental rights to be a successor guardian.

Changes the procedure for a minor to object to the appointment of a guardian by giving the minor the right to consent or refuse to consent to the appointment of a guardian and by reducing the age for consenting to appointment of a guardian from 14 to 12. Reduces the age of a minor who is entitled to nominate a guardian to the court during the appointment proceeding from 14 to 12. Reduces the age of a minor whose preference is given consideration by the court, in either a proceeding for the appointment of a guardian, a proceeding for the resignation or removal of a guardian, or the appointment of an attorney or representative for the minor. Allows the court to appoint a guardian ad litem to represent a minor in a proceeding for the appointment of a guardian or for the removal of a guardian.

Amends portions of the uniform guardianship bill, House Bill 00-1375, to conform with the changes in this act. Makes those changes to the uniform bill effective on January 1, 2001, and only if House Bill 00-1375 becomes law.

APPROVED by Governor March 31, 2000 **PORTIONS EFFECTIVE** July 1, 2000
January 1, 2001

NOTE: House Bill 00-1375 was signed by the Governor on June 1, 2000.

H.B. 00-1326 Uniform principal and income act - fiduciary duties - decedent's estate or terminating income interest - apportionment at beginning and end of income interest - allocation of receipts and disbursements during administration of trust. Repeals and reenacts, with amendments, the "Uniform Principal and Income Act". Updates the procedures for trustees administering an estate in separating principal from income. Updates the traditional income and allocation rules to accommodate modern investment theory and to coordinate with the "Uniform Prudent Investor Act". Reiterates the guiding principle of trustees to be the intention of the trust creator. Clarifies that the reenacted uniform principal and income act consists of default provisions that govern the administration of a trust or will by a fiduciary only if such trust or will contains no conflicting provisions.

Modernizes the distinction between property that is principal and distributed to remainder beneficiaries, and property that is income and distributed to income beneficiaries. Provides a means for implementing the transition to an investment regime based on principles embodied in the "Uniform Prudent Investor Act", including the principle for investing for total return instead of for a certain level of income. Clarifies the allocations of acquired assets, including those from corporate distributions.

Introduces the concept of "unincorporated entity" to deal with businesses operated by a trustee, including farming and livestock operations, and investment activities in rental real estate, natural resources, and timber. Provides for modern investment modalities, including

derivatives, options, deferred payment obligations, and synthetic financial assets. Addresses disbursements made because of environmental laws. Provides the power to make adjustments between principal and income to correct inequities caused by tax elections or problems in the fiduciary tax rules.

Applies to trusts or estates existing on and after July 1, 2001, except as otherwise provided in the will or trust. For trusts established under a will or trust agreement existing and irrevocable on July 1, 2001, permits the trustee to elect by July 1, 2002, to apply the "Uniform Principal and Income Act" in effect on June 30, 2001.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1375 Guardianship and protective proceedings - procedures - appointment. Enacts the "Uniform Guardianship and Protective Proceedings Act" as recommended by the national conference of commissioners on uniform state laws, with some changes.

Replaces the parts of the "Colorado Uniform Probate Code" that relate to guardianship of minors, guardianship of incapacitated persons, and protection of property of persons under disability and minors with the uniform law, but maintains provisions relating to court-approved trust arrangements, income trusts, and disability trusts established for the purpose of establishing or maintaining income eligibility for medical assistance, authorizing guardians and conservators to petition the court for authority to commence and maintain an action for dissolution of marriage or legal separation of a ward or a protected person, and allowing small estates to be handled without a conservator.

General provisions. Increases the amount owed to a minor that is allowed for a transfer of property to the person having care and custody of a minor or to a guardian or custodial trustee of a minor to avoid the establishment of a conservatorship from \$1000 to the greater of \$10,000 or the current annual gift tax exclusion in the internal revenue code. Increases the length of time for a temporary delegation of powers by the parent or guardian of a minor or incapacitated person from 9 months to 12 months. Specifies the jurisdiction of the court and venue for proceedings. Specifies procedural requirements for notice and appointment of a guardian ad litem.

Guardianship of minors. Allows appointment of a guardian by parental appointment or upon appointment by the court, and specifies that the guardianship continues until terminated. Allows a parent to make an advance appointment of a "standby guardian" to become effective upon death, adjudication of incapacity, or written determination by a physician who has examined the parent and determined that the parent is no longer able to care for a minor child. Allows a parent to appoint a guardian for children who may later be born or adopted or whose custody may be given to the appointing parent. Creates a rebuttable presumption that a person appointed as guardian by a parent should be appointed and that the court should not disregard the appointment without good cause. Allows an appointing parent to petition the court prior to the triggering event for advance confirmation of the appointment, with the result that advance court confirmation terminates the right of others to object and terminates the right of the appointing parent to revoke the appointment. Provides for the petition for advance court appointment to be made within 2 years from the date of the likely need for appointment.

Allows a minor who has attained 12 years of age, the other parent, or a person other than a parent or guardian having care or custody of the minor to object to a parental

appointment of a guardian and turn the appointment into a contested proceeding. Directs that if an objection is filed, the appointee has no authority to act and instead must file a petition for appointment as a guardian. Allows a court to appoint a guardian if the court finds that appointment is in the minor's best interest and in one of 3 circumstances: The parents consent, all parental rights have been terminated, or the parents are unable or unwilling to exercise their parental rights.

Authorizes the court to appoint a temporary guardian or an emergency guardian. Specifies the procedures for judicial appointment of guardians, and allows the court to appoint a lawyer to represent the minor. Allows the court to limit the powers of a guardian for a minor and specifies the duties and powers of a guardian. States that a guardianship of a minor terminates upon the minor's death, adoption, emancipation, attainment of majority, or as ordered by the court.

Guardianship of incapacitated persons. Specifies the procedures and requirements for court appointment of a guardian for an incapacitated person. Requires the court to appoint a lawyer to represent the respondent if requested by the respondent or recommended by the visitor or if the court determines the respondent needs representation. Allows the court to order a professional evaluation of the respondent's alleged impairment, but requires the court to order such an evaluation only if the respondent demands an evaluation. Requires the proposed guardian and the respondent to attend the hearing unless excused for good cause.

Specifies the priorities for appointments of guardians. Allows the court to appoint a guardian only if it finds by clear and convincing evidence that the respondent is incapacitated and that no less restrictive alternative will meet the respondent's identified needs. Directs the court to give the guardian only those powers needed to meet the respondent's needs and specify the powers granted and the limits on the respondent's rights. Allows for appointment of an emergency guardian or a temporary substitute guardian. Specifies the duties and powers of a guardian and the guardian's reasonable standard of care, including the standard of care for a limited guardian. Requires reports and monitoring of guardians.

Protection of protected person's property. Sets forth the standards and procedures for appointment of a conservator or entry of a protective order. Requires the court to appoint a lawyer to represent the respondent if requested by the respondent, recommended by the visitor, or if the court determines the respondent needs representation. Requires the proposed guardian to attend the hearing unless excused for good cause. Directs the court to specify the powers of the conservator. Gives the court supervising a conservatorship all of the powers the protected person would be able to exercise and the power to protect the assets. Specifies those actions for which a conservator must obtain prior court approval. Allows the court in lieu of appointing a conservator to order less intrusive protective arrangements.

Specifies the order of priority for appointment of conservators. Specifies requirements for bonds. Details the compensation, fees, costs, and expenses for services provided by a visitor, guardian, conservator, or others relating to an incapacitated person or protected person. Lists the requirements of a conservator upon the death of the protected person and procedures for handling the estate.

Applies to appointments of guardians or conservators made on or after January 1, 2001.

APPROVED by Governor June 1, 2000

EFFECTIVE January 1, 2001

H.B. 00-1433 Fiduciary transactions - family business interests - representation of interests of incapacitated persons or minor children in probate proceedings - out-of-state banks as fiduciaries. Allows a fiduciary acting under a will or trust instrument that evidences an intent to retain an interest in a family business to maintain the interest in any form of entity or successor entity. Allows the fiduciary to proceed with the formation of a successor entity where the fiduciary believes in good faith that the formation is on a favorable basis considering the overall interests of the beneficiaries, the maintenance of a substantial interest on the part of the family in the enterprise, and the long-term value of such interest. Allows a fiduciary to vote and deal with interests in the family business as the fiduciary believes necessary using the good faith exercise of business judgment, under the business judgment rule. Allows a fiduciary in good faith to accept a reduced participation in equity, voting, and other rights and preferences. Directs that the fiduciary may proceed with formation of the entity without notice to the beneficiaries where disclosure is forbidden by law or where the fiduciary believes in good faith that nondisclosure is necessary to complete the formation on such a favorable basis.

Provides that an incapacitated person or a minor child who is not otherwise represented in a probate proceeding under the "Colorado Probate Code" is bound by an order to the extent his or her interest is adequately represented by another party having a substantially identical interest in the proceeding. Makes conforming amendments regarding notice to an incapacitated person or a minor child.

Amends the definition of company for purposes of the statutes allowing banks to act as fiduciaries to allow banks organized in other states but authorized to conduct business in Colorado to be able to do trust work.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

PROFESSIONS AND OCCUPATIONS

S.B. 00-17 Motor vehicle dealers - business records - inspection - where located. Allows a motor vehicle dealer to maintain the books and records of its business at a location in Colorado other than its principal place of business, after giving 30-days' written notice to the motor vehicle dealer board.

APPROVED by Governor March 17, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-58 Educational programs - exemptions. Exempts certain educational programs offered or conducted by federally tax-exempt organizations from the provisions of the "Private Occupational Education Act of 1981".

APPROVED by Governor March 31, 2000

EFFECTIVE March 31, 2000

S.B. 00-94 Pharmacists - continuing education. Requires pharmacists to complete 24 hours of continuing education every 2 years in order to maintain their licensure. Allows the state board of pharmacy to grant a 6-month extension to meet continuing education requirements. Allows for exceptions to the requirement. Sets standards for accreditation of continuing education programs.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

S.B. 00-101 Disciplinary procedures - mental health professionals. Clarifies that disciplinary proceedings against mental health professionals (psychologists, social workers, marriage and family therapists, and licensed professional counselors) are not subject to the open records laws until a majority of the board that licenses, regulates, or registers the mental health professional agrees to proceed with disciplinary action and a notice and a formal complaint are served on the mental health professional by first-class mail. Clarifies that all final agency action by the board that licenses, regulates, or registers the mental health professional or the filing of a formal complaint shall be open for public inspection. Requires that the names of clients or other recipients of services by the mental health professional be redacted when records become public.

APPROVED by Governor March 31, 2000

EFFECTIVE February 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-122 Local government limited gaming impact fund - distributions - eligibility - increase in allocation of limited gaming proceeds - appropriation. Removes the prohibition against Central City, Black Hawk, and Cripple Creek sharing in distributions from the local government limited gaming impact fund. For fiscal years 1999-2000, 2000-01, 2001-02, 2002-03, and 2003-04, allocates an additional percentage of limited gaming proceeds to the local government limited gaming impact fund for funding documented gaming impacts upon

local governments eligible for funding.

Appropriates \$3,985,454 and 0.2 FTE to the department of local affairs and division of local government field services section for the implementation of the act, and specifies that of the amount appropriated, \$7,558 are to be used for administrative purposes.

VETOED by Governor May 26, 2000

S.B. 00-132 Consumer reporting agencies - information provided to consumers. Increases the number of inquiries a consumer reporting agency must receive before it is required to notify a consumer from 3 to 8. Changes the number of months during which the names of all persons requesting credit information pertaining to a consumer must be disclosed to such consumer from 6 to 12.

Requires a consumer reporting agency to include a notice or separate form for a consumer to complete to request a copy of such consumer's file in any disclosure letter mailed to the consumer. Also requires a consumer reporting agency to provide a toll-free telephone number to provide the consumer information necessary to request a copy of such consumer's file in such disclosure letter.

APPROVED by Governor May 26, 2000

EFFECTIVE January 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-206 Local government limited gaming impact fund - continuous appropriation. For purposes of the local government limited gaming impact fund, authorizes the use of any unexpended and unencumbered moneys in the fund at the end of any fiscal year for expenditure in subsequent fiscal years without further appropriation by the general assembly.

APPROVED by Governor June 2, 2000

EFFECTIVE July 1, 2000

H.B. 00-1038 Board of medical examiners - additional public members. Sets forth a legislative declaration detailing the benefits of having public members of state regulatory bodies. Declares that it is in the best interest of the state to increase the number of public members on the state board of medical examiners (board).

Adds 2 additional members of the public to the board. Provides that the new members' terms shall initially expire on May 3, 2002, for one, and on May 3, 2003, for the other. Requires that the public members on the board have no financial or professional association with the medical profession.

APPROVED by Governor March 17, 2000

EFFECTIVE March 17, 2000

H.B. 00-1058 Board of medical examiners - grounds for discipline - complaints filed by the board. Classifies failure to truthfully respond in a manner that discloses all material information to a complaint issued by the state board of medical examiners as unprofessional conduct under the "Colorado Medical Practice Act".

APPROVED by Governor March 17, 2000

EFFECTIVE July 1, 2000

H.B. 00-1075 Medical practice - nurse midwife - standards of practice - physician consultation and collaboration. Eliminates the requirement of the "Colorado Medical Practice Act" that a personally responsible physician direct, supervise, and set protocol of a certified nurse-midwife. Replaces such requirement with the standards set by the American college of nurse-midwives, including the requirement that a nurse-midwife have a safe mechanism for consultation or collaboration with a physician or, when appropriate, referral to a physician.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

H.B. 00-1088 Consumer credit reporting - credit scoring for insurance. Requires an insurance company to disclose the use of consumer credit scoring to make underwriting decisions before the insurance company can access a consumer's credit report.

APPROVED by Governor March 17, 2000

EFFECTIVE January 1, 2001

H.B. 00-1137 Real estate appraisers - licensure - qualifications, levels, and sanctions. Defines the following 4 levels of appraiser licensure: Certified general appraiser, certified residential appraiser, licensed appraiser, and registered appraiser. Requires an applicant for licensed appraiser to have at least one year of experience before qualifying for a license. Permits appraisers to renew a license on inactive status. Clarifies that a licensee on inactive status is not required to comply with continuing education requirements, but the licensee cannot appraise homes within the scope of the article. Requires the licensee on inactive status to become up to date on continuing education requirements before the license can become active. Adds public censure to the sanctions the board of real estate appraisers may apply to persons violating the applicable laws.

APPROVED by Governor March 17, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1155 Debt management - expiration of regulatory scheme. Deletes from the Colorado Revised Statutes references to the regulation of debt management companies by the division of banking at the conclusion of the wind-up period provided under the sunset law.

APPROVED by Governor March 2, 2000

EFFECTIVE July 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1179 Barbers and cosmetologists - continuation of the regulation of barbers and cosmetologists under sunset law - hairstylist license - advisory committee - creation. Repeals the state board of barbers and cosmetologists. Requires the director of the division of

registrations in the department of regulatory agencies (director) to license barbers and cosmetologists and to assume the duties of the board.

Creates a hairstylist license. Defines "hairstyling" and "hairstylist". Creates a 5 member advisory committee to assist the director.

Allows the director to license by endorsement a person who has practiced as a licensed barber, hairstylist, cosmetologist, cosmetician, or manicurist in another state for at least 2 out of the 5 years immediately preceding the date of application for a license and who meets all other requirements for licensure.

Extends the automatic termination date of the licensing function of the director and the advisory committee to July 1, 2005, pursuant to the sunset law.

BECAME LAW: June 3, 2000

EFFECTIVE July 1, 2000

H.B. 00-1182 Uniform consumer credit code - collection agencies - licensure. Continues the function of licensing collection agencies under the "Colorado Fair Debt Collection Practices Act" until July 1, 2003. Broadens the scope of the act to apply to any agency with a place of business within the state or that tries to collect or solicit debts from a business with a place of business within the state. Eliminates the exemption to the nonlicensure provisions of the act for debt purchasers.

Defines "consumer reporting agency" for the purposes of the act. Updates federal statutory cites that define "credit reporting agency". Replaces the phrase "executive director" with the term "administrator of the uniform consumer credit code". Requires that all communication with the consumer be in writing if the consumer has refused to pay the debt. Broadens the zone where a consumer may require the credit agency to cease contact to include the consumer's residence. Changes the statute of limitations on enforcing the provisions of the act from 2 years to one year.

Eliminates the requirement that debt collectors and solicitors be registered. Requires all fines to be remitted to the general fund instead of the collection agency cash fund. Restricts eligibility for the collection agency board to a collection manager, owner, or part owner of a licensed collection agency.

Clarifies the licensing requirements to show that:

- The administrator may deny a license or take other disciplinary measures if the applicant's principle or manager has fraudulently obtained or attempted to obtain a license;
- The administrator may reject a license application if the entity does not have a positive net worth;
- No person may be a principle owner or operator of a collection agency if the person has been convicted of a financial felony, and the administrator may reject a license for failing to comply with such requirement.

Establishes automatic expiration of a license if the applicant fails to submit an application, pay any part of the required fees, or post the appropriate bond. Clarifies that the bond maintained in a trust account a collection agency maintains shall cover all of its clients, and allows for such account to be in an out-of-state financial institution if the institution has

an in-state branch. Exempts from the bond requirement persons who collect or attempt to collect a debt the person owns.

Broadens the scope of prima facie evidence of grounds for disciplinary action to include disciplinary action taken against the licensee's principle by another jurisdiction, and to include all conduct that would constitute a violation as opposed to conduct that resulted in a violation.

APPROVED by Governor May 25, 2000

EFFECTIVE July 1, 2000

H.B. 00-1183 Colorado state boxing commission - creation - licensing - appropriation. Creates the "Colorado Professional Boxing Safety Act". To administer such act, creates the Colorado state boxing commission (commission) and the office of boxing within the office of the executive director of the department of regulatory agencies. Requires the executive director of the department of regulatory agencies to appoint a director for the office of boxing. Authorizes the commission to promulgate rules regulating live boxing and kickboxing matches.

Provides the commission, any member of the commission, staff, and technical advisors appointed by the commission with governmental immunity.

Allows the commission to establish fees and surcharges for the implementation of the "Colorado Professional Boxing Safety Act".

Describes the civil and criminal penalties for violations of the act and authorizes the commission to seek injunctions to enforce compliance with the act. Includes judicial review provisions.

Appropriates from the boxing cash fund to the department of regulatory agencies, executive director's office, for the fiscal year beginning July 1, 2000, the sum of \$90,494 and 1.0 FTE for implementation of the act. Also appropriates to the department of law, for the fiscal year beginning July 1, 2000, the sum of \$10,574 and 0.1 FTE for the provision of legal services to the department of regulatory agencies related to implementation of the act.

APPROVED by Governor June 2, 2000

EFFECTIVE July 1, 2000

H.B. 00-1186 Motor vehicle dealers - manufacturers - franchises - termination, succession, and renewal - other terms and conditions. Prohibits a motor vehicle manufacturer from cancelling the franchise of a dealer except upon just cause, taking into account the amount of business transacted by the dealer, the investments made by the dealer in carrying out the franchise agreement, the effect of the cancellation on the buying public, the motor vehicle dealer's failure to provide adequate service or warranty work, and other factors.

Imposes requirements for fair and equitable treatment of dealers, including a requirement that dealers be allowed to handle all vehicles in the same line-make produced by the manufacturer without the payment of unreasonable fees, purchase of unreasonable advertising displays, compliance with unreasonable training and facilities requirements, or an agreement not to handle other line-makes of vehicles. Defines "line-make".

Upon termination, cancellation, or nonrenewal of a franchise agreement, requires the

manufacturer to reimburse the dealer within 90 days for unsold inventory of motor vehicles, parts, and supplies and for packaging and transporting such inventory to the manufacturer.

Prohibits a manufacturer from authorizing anyone but a franchised dealer or the owner of a vehicle fleet to perform warranty service on the manufacturer's vehicles.

Requires notice to existing dealers in the area whenever a manufacturer proposes to establish a new dealer, reopen a previously existing dealer, or relocate an existing dealer. Defines the relevant market area as the greater of the following:

- The geographic area of responsibility defined in the franchise agreement with an existing dealer; or
- The geographic area within 5 miles of any existing dealer of the same line-make of vehicle in a county with a population of more than 150,000, or within 10 miles in a county with a lesser population.

States that no new, reopened, or relocated dealer shall be licensed except upon findings relating to the investments already made by existing dealers, the population of the relevant market area and the number of registered vehicles, and the adequacy of service provided by the existing dealers. Places the burden of proof on the manufacturer in connection with such findings.

Prohibits a manufacturer from owning or controlling a dealer except in specified situations including the transition from one franchised dealer to another, such as when a sale of the dealership is pending, when there are no other dealerships of that line-make in the state, or solely for the purpose of obtaining financing that will allow the dealer to become the majority owner of the dealership within 7 years.

Allows a franchised dealer to choose a successor in case of the dealer's death or incapacity, and requires the manufacturer to honor such choice unless the successor fails to meet the manufacturer's basic criteria such as financial condition or credit rating. Requires the manufacturer to give written notice of the rejection of a successor and to state the basis for such rejection.

For the purpose of judicial resolution of disputes, allows venue in the judicial district where the dealer resides or does business, and applies Colorado law.

Exempts manufacturers of recreational vehicles and of vehicles with a passenger capacity of 32 or more from the new and amended provisions contained in the act.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1226 Liquor code - liquor-licensed drugstore - conversion to retail liquor store. Allows a licensee with a liquor-licensed drugstore license in effect on July 1, 2000, to convert or transfer such license to a retail liquor store license notwithstanding that the licensed premises is within 500 feet from a public or parochial school or the principal campus of a college, university, or seminary.

Permits but does not require local licensing authorities to determine the needs and desires of the neighborhood with respect to the conversion or transfer of a liquor-licensed drugstore license to a retail liquor store license.

APPROVED by Governor March 16, 2000

EFFECTIVE March 16, 2000

H.B. 00-1258 Certified public accountants - continuation of the state board of accountancy - ownership of accounting firms - grounds for discipline - confidential letter of concern - when complaints become public information. Continues the state board of accountancy (the board) until July 1, 2005. Limits membership on the board to 2 consecutive terms.

Clarifies that regulation of certified public accountants is in the best interests of the citizens of Colorado and that the board may discipline certified public accountants employed, serving clients, or practicing within Colorado.

Removes completion of a baccalaureate degree with at least 30 hours' additional study or a higher degree as grounds for issuance, renewal, reactivation, or reinstatement of a certificate for a certified public accountant. Provides the board with discretion in evaluating credentials for issuance, renewal, reactivation, or reinstatement of Colorado certificates of certified public accountant.

Allows for ownership and voting rights of a partnership, professional corporation, or limited liability company by persons who are not certified public accountants or who are licensed certified public accountants in another state. Requires the application for registration filed with the board to include identification of the person within the partnership, professional corporation, or limited liability company responsible for registration with the board. Requires the application to include disclosure of all states in which that partnership, professional corporation, or limited liability company is licensed, permitted to practice, or registered to practice and all of the states in which license, permission, or registration has been denied, suspended, or revoked. Requires any changes to the application to be reported to the board within 30 days. Allows the board to suspend or revoke the permit to practice accountancy in Colorado or to administer other discipline for failure to report changes to the application.

Creates grounds for discipline for providing, directly or indirectly, independent audit services by a certified public accountant who has not registered with the board or who does not have an active certificate. Creates grounds for discipline for providing accounting services, other than independent auditing services, to clients located in Colorado by a holder of a certificate, registration, or license from another jurisdiction without prior notification to the board. Allows the board to issue a confidential letter of concern when the board determines formal action is inappropriate. Clarifies that complaints filed by the board become public records upon final action of the board or the filing of formal charges are filed and served by the attorney general. Requires that all work-product documents remain confidential even when a final action becomes public information.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

H.B. 00-1266 Alcohol beverages - licenses - limitations on ownership. Allows owners of optional premises liquor licenses to own not more than 3 optional premises licenses.

APPROVED by Governor March 17, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1294 Respiratory therapists - licensing and regulation subject to sunset law - appropriation. Creates the "Respiratory Therapy Practice Act". Establishes a regulatory program for respiratory therapists that: Defines the scope of practice of respiratory therapists; prohibits the practice of respiratory therapy by anyone who does not possess a current, valid license from the division of registrations in the department of regulatory agencies; authorizes the division to issue a license to applicants who pay a fee and who have demonstrated competency by receiving a certification from the national board for respiratory care or who hold a license to practice respiratory therapy from another state; and specifies grounds for approval, denial, renewal, and revocation of licensure and for discipline of respiratory therapists.

Establishes an automatic termination date for the regulation and licensure of respiratory therapists by the division of registrations of July 1, 2005, pursuant to the provisions of the sunset law.

Appropriates \$78,119 and 0.8 FTE from the division of registrations cash fund to the department of regulatory agencies for allocation to the division of registrations for the implementation of the act. From such appropriation, appropriates \$24,585 and 0.3 FTE to the department of law and \$2,492 to the department of personnel for allocation to the division of administrative hearings.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

H.B. 00-1300 Hearing impaired - audiologists - registered hearing aid providers - continuation of the regulation of audiologists and registered hearing aid providers under sunset law. Changes the term "hearing aid dealer" to "registered hearing aid provider". Reclassifies trainee registered hearing aid providers into trainee and associate registered hearing aid providers.

Requires the surety to notify the director of the division of registrations in the department of regulatory agencies (director) within 30 days after it receives a claim or payment is made from a registered hearing aid provider's surety bond or if the surety bond is cancelled for any reason. Increases the amount of the surety bond a registered hearing aid provider must furnish before being allowed to register with the director from \$5,000 to \$10,000.

Includes as grounds for discipline of a registered hearing aid provider, trainee, or associate a conviction or acceptance of a plea of guilty or nolo contendere or receipt of a deferred sentence in any court to a felony. Authorizes the director to issue a cease and desist order to a person who has acted without the required license, is in violation of the laws concerning registered hearing aid providers or audiologists, or is acting in a manner that is a threat to the health and safety of the public.

Modifies the way a person over the age of 18 years may waive the requirement of providing a written prescription from a physician to the registered hearing aid provider before the registered hearing aid provider may dispense a hearing aid to such person.

Changes the responsibility for retaining patient records from the registered hearing aid provider to the supervising registered hearing aid provider or to the registered hearing aid provider designated by the employer.

Extends the automatic termination date for the registration function of the director for audiologists and registered hearing aid providers to July 1, 2007, pursuant to the provisions of the sunset law.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

H.B. 00-1301 Racing - purse trust accounts. Requires moneys deposited in horse or dog racing purse trust accounts to be invested in a fund that invests in direct obligations of the United States government with maturities of less than one year or is account insured in full by an agency of the federal government.

Requires moneys deposited by licensees in a horse or dog racing purse trust account to go directly into such trust account rather than through the department of revenue.

APPROVED by Governor March 31, 2000

EFFECTIVE March 31, 2000

H.B. 00-1307 River outfitters - repeal of advisory committee. Sunsets the advisory committee on river outfitter regulations.

APPROVED by Governor March 17, 2000

EFFECTIVE July 1, 2000

H.B. 00-1345 Manufactured housing - regulation of installers - consumer protection - appropriation. Declares that comprehensive regulation of the installation of manufactured homes to ensure the safety, affordability, and performance of manufactured homes for residential purposes is a matter of statewide and local concern. Finds that registration of persons who install manufactured homes will help ensure this statewide concern is addressed.

Defines installation, installer, and manufacturer of a manufactured home. Requires installers to register with the division of housing in the department of local affairs (the division). Allows employees of an installer to not register with the division as long as the employees are performing functions under the direct supervision of a registered installer. Exempts a person from registration who is installing only one manufactured home on real property owned by such person within a 12-month period.

Requires installers seeking registration to submit an application to the division which must be verified under penalty of perjury. Requires applicants to:

- Be at least 18 years of age;
- Furnish written evidence of at least 6 months of experience under the direct supervision of a registered installer or equivalent training or experience as determined by the division;
- Provide proof of liability insurance in an amount set by the division, but not less than \$100,000; and
- File with the division a surety bond, certificate of deposit issued by a licensed financial institution, or letter of credit in the amount of \$10,000 for the performance of an installation.

Allows registration to be valid for a period of 3 years. Requires a registered installer to submit to the division any information that changes within 30 days of the change. Allows

the division to set a registration fee of not more than \$250.

Requires installers to comply with the manufacturer's instructions when installing a manufactured home. Requires an installer, when the manufacturer's instructions are unavailable, to comply with standards for installation promulgated by the division. Allows the division to execute the performance bond required by this act for reimbursement of costs for inspections requested by an owner when the installation fails inspection or for the subsequent repairs necessary to bring the installation into compliance with the manufacturer's instructions or standards set by the division.

Allows the division or an independent contractor to perform inspections on manufactured homes when the installer is not certified and upon complaint of the owner of the manufactured home. Defines a certified installer as an installer who is registered and who has installed more than 5 manufactured homes in compliance with the manufacturer's instructions or division's standards. Requires the party requesting the inspection to pay for costs associated with the inspection when questioning the installation performed by certified installers.

Requires an installer to obtain a certificate of installation from the division. Requires the certificate and manufacturer's instructions to be attached to the manufactured home being installed.

Allows the division to train inspectors to perform installation inspections. Allows contracting with third parties to provide inspection services at the request of the division. Requires the division to create the standards of installation to be used statewide. Prohibits the occupation of a manufactured home when installation creates a condition that would endanger the health or safety of the occupant. Allows a manufactured home to be occupied when the installation fails inspection, but the health or safety of the occupant is not endangered. Allows the division to establish a fee for inspections of manufactured homes.

Allows the installer to correct problems identified during the inspection. Stipulates that failure to correct problems identified during the inspection within a reasonable time enables the owner to execute against the performance bond.

Prohibits a local government unit from adopting standards for the installation of manufactured homes that are different from the division's standards, except for unique public safety requirements. Prohibits the installation of a manufactured home in a manner that is not defined in this act. Allows for the revocation or suspension of the registration of an installer, fines, or for other disciplinary measures established by the division, for failing to comply with the division's installation standards. Allows the division to investigate complaints filed by owners or occupants of manufactured homes. Makes a violation of installation laws a deceptive trade practice. Allows the court to award reasonable costs in an action against an installer and attorneys' fees and interest in addition to actual damages for a violation of installation laws.

Appropriates \$8,000 to the division of housing in the department of local affairs for training of independent contractors to perform installation inspections.

APPROVED by Governor May 26, 2000

PORTIONS EFFECTIVE July 1, 2000
July 1, 2001

H.B. 00-1420 Liquor licensing - resort-complex-related facility permit. States that a hotel may be designated as a resort complex if it has at least 50 sleeping rooms and has related sports and recreational facilities located contiguous or adjacent to the hotel. Requires a resort complex to designate its principal licensed premises and each separate related sports and recreational facility that is located within the overall boundaries of the licensed premises of the resort complex. Defines "contiguous or adjacent" for purposes of a resort complex only.

Creates a resort-complex-related facility permit that a resort complex must receive for each related sports and recreational facility at which it desires to offer alcohol beverages. Defines "related facility". Requires each related facility to remain at all times under the ownership and control of the resort complex licensee.

Allows customers and guests who purchase alcohol beverages at one related facility to carry such beverages to other related facilities within the overall licensed premises boundaries of the resort complex.

Considers each related facility to be separately licensed or permitted for the purpose of application of the sanctions imposed for violation of the "Colorado Liquor Code". Establishes a state resort-complex-related facility permit fee of \$50 per related facility and a local resort-complex-related facility permit fee of \$100 per related facility.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

PROPERTY

S.B. 00-57 Unclaimed property trust fund - creation - source of moneys in the fund - use of principal and interest - elimination of and transfer of moneys in the unclaimed property cash funds. Creates the unclaimed property trust fund, consisting of moneys collected by the treasurer pursuant to the Colorado "Unclaimed Property Act" (the Act). Transfers any moneys in the abandoned property fund, the unclaimed insurance moneys fund, and the business associations unclaimed moneys fund to the unclaimed property trust fund on July 1, 2001.

Prohibits the expenditure of the principal of the trust fund except to pay claims made pursuant to the Act. Declares that moneys comprising the principal of the trust fund that are credited to or expended from the fund do not constitute fiscal year spending for purposes of the Colorado constitution. Declares moneys in the trust fund to be custodial in nature and not subject to appropriation by the general assembly.

Credits the interest derived from the investment of moneys in the unclaimed property trust fund to the Colorado uninsurable health insurance plan cash fund and subjects those moneys to appropriation by the general assembly.

Requires the general assembly to make annual appropriations out of the general fund for the direct and indirect costs of administering the Act. Requires the state treasurer, before crediting moneys to the trust fund, to record the name and last-known address of each person entitled to the unclaimed property, as indicated in the report of the holder of the property.

On July 1, 2001, eliminates the abandoned property fund, the unclaimed insurance moneys fund, and the business associations unclaimed moneys fund and eliminates the transfer of certain moneys from those funds to the general fund, the special fund for industrial bank moneys, and the Colorado uninsurable health insurance plan cash fund.

APPROVED by Governor April 13, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-66 Mechanic's lien - suppliers of laborers. Includes those persons who furnish laborers in the prosecution of work on construction, mining, or railroad projects as those who may file a mechanic's lien against the property where the work was done if they are not paid.

Defines "person" as a natural person, firm, association, corporation, or other legal entity but excludes labor organizations.

Requires contractors to include persons who furnish laborers in the prosecution of public works projects to the list of those persons whose payment must be secured by a bond.

APPROVED by Governor March 29, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1089 Public works project - substitute bond - approval by district court. Allows a person who performs work on a public works project, when a verified statement of a claim against the contract is filed with the contracting body by whom the contract was awarded, to file an ex parte motion with the clerk of the district court where the contract was performed or where the office in which the verified statement of claim is filed, for approval of a corporate surety bond or any other undertaking to substitute for the claim against the contract.

Requires the corporate surety bond or undertaking to be 1½ times the amount of the claim plus costs allowed by the court up to the date of the filing. Also requires that the bond or undertaking be conditioned that, if the claimant is finally adjudged to be entitled to recover upon the claim upon which the claimant's verified statement is based, the surety issuing the bond or undertaking or the principal thereunder, shall pay to such claimant the amount of the judgment, together with any interest, costs, and other amounts the claimant would be entitled to recover pursuant to such judgment.

Compels the clerk of the district court, after approval of the corporate surety bond or undertaking by a district court judge, to issue a certificate of release to be served on the board, officer, person, or other contracting body by whom the contract was awarded.

Compels the contracting body that awarded the contract to resume making payments to the contractor in accordance with the terms of the contract and release any previously withheld funds to the contractor in accordance with the terms of the contract or, if not specified by the contract within 30 days after the receipt of the certificate of release by the contracting body.

Allows the person who filed the verified statement of a claim to bring a suit against the corporate surety bond or undertaking to collect the amount of money claimed by such person. Provides that the corporate surety bond or undertaking shall be discharged and returned to the contractor if no action is commenced within the time period required.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

H.B. 00-1218 Mobile home parks - required notice upon termination of tenancy. Expands the required statutory notice of certain provisions of the "Mobile Home Park Act" to a mobile home owner whose tenancy is being terminated in the case of a notice to quit to include notice in the case of nonpayment of rent.

APPROVED by Governor March 17, 2000

EFFECTIVE July 1, 2000

PUBLIC UTILITIES

S.B. 00-12 Telecommunications - deregulation - retail private digital lines, retail directory assistance, and retail private lines. Removes directory assistance from the regulatory definition of operator services. Requires the public utilities commission (PUC) to adopt a single statewide benchmark rate applicable to nonoptional operator services. Exempts retail directory assistance services from regulation under the "Public Utilities Law".

Removes the PUC's authority to regulate the terms and conditions under which private line services, other than analog private line service with a capacity of less than 24 voice-grade circuits, are offered and provided at retail. Removes a provision for PUC review of private line services.

APPROVED by Governor April 14, 2000

EFFECTIVE April 14, 2000

S.B. 00-129 Deregulation - railroads. Exempts intrastate railroads from the rate-setting authority of the public utilities commission of the state of Colorado. Repeals numerous provisions that have been preempted by federal law.

APPROVED by Governor March 29, 2000

EFFECTIVE March 29, 2000

S.B. 00-196 Electrical and natural gas utilities - service - local government subdivision regulations. Requires subdivision regulations adopted by a board of county commissioners or a municipal planning commission to require subdividers to provide evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or natural gas service for the proposed subdivision.

Establishes that a letter of agreement between the subdivider and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or natural gas service to a proposed subdivision has been made.

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

S.B. 00-197 Electrical and natural gas utilities - location, construction, or improvement of facilities - local government approval. Declares that the location, construction, and improvement of major electrical and natural gas facilities are matters of statewide concern. Requires a local government to take final action on any application of a public utility providing electric or natural gas service (utility) that relates to the location, construction, or improvement of major electrical facilities within 120 days after the utility's submission of a preliminary application, if a preliminary application is required by the local government's land use regulations, or within 90 days after submission of a final application. Allows a local government and utility to agree to a different timeline.

Deems an application from a utility relating to location, construction, or improvement of major electrical facilities approved if the local government does not take final action within the required time period.

Defines "major electrical or natural gas facilities".

APPROVED by Governor June 1, 2000

EFFECTIVE July 1, 2000

H.B. 00-1011 Telecommunications - regulation - definitions - rural telecommunications provider. Defines a new term, "rural telecommunications provider", that conforms substantially with the definition of a "rural telephone company" in the federal "Telecommunications Act of 1996". Applies the new definition to the existing statutory sections concerning nondiscriminatory access charges, assurances of interconnections, simplified regulatory treatment for small local exchange providers, and consideration of opening of the competitive local exchange market.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

H.B. 00-1087 Public utilities commission - securities - elimination of guarantee. Eliminates the public utilities commission's supervision of a public utility's guarantee of securities.

APPROVED by Governor March 16, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

STATE PUBLIC DEFENDER

H.B. 00-1174 Alternate defense counsel - eliminate representation for partially indigent offenders - appropriation. Repeals provisions that require alternate defense counsel to represent a partially indigent defendant. Repeals the authority of the court, on its own motion or on the application of a partially indigent defendant, to appoint the office of alternate defense counsel to provide representation for a partially indigent defendant. Repeals the requirement that the office of alternate defense counsel provide legal representation to partially indigent persons by contracting with licensed attorneys and investigators. Repeals the duties of the office of alternate defense counsel to counsel and defend a partially indigent defendant and to prosecute any appeals or other remedies for a partially indigent defendant.

Appropriates \$171,996 and 3.7 FTE to the judicial department for allocation to the public defender for the implementation of the act. Decreases by \$174,794 the appropriation in the general appropriations bill to the judicial department for allocation to the alternate defense counsel.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

STATUTES

H.B. 00-1035 Colorado Revised Statutes - enactment of 1999 statutes. Enacts the softbound volumes of Colorado Revised Statutes 1999 as the positive and statutory law of the state of Colorado and establishes the effective date for said publication.

APPROVED by Governor February 10, 2000

EFFECTIVE February 10, 2000

H.B. 00-1463 Revisor's bill - revisions to conform, correct, and clarify statutes. Amends or repeals various statutory provisions that are obsolete, inconsistent, or in conflict with other law, clarifies the language and more accurately reflects the legislative intent of the laws. The specific reasons for each amendment or repeal are set forth in an appendix to the bill.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

TAXATION

S.B. 00-72 Sales tax - department of revenue - collection for local governments - notice of omitted retailers - interest on delayed distributions - notice of additional areas subject to tax. Requires a municipality or county to notify the department of revenue of any retailers omitted from a monthly listing of retailers provided by the department as soon as practicable, but in no event more than 180 days after receiving the monthly listing.

For sales tax collected with a processing date on or after January 1, 2001, requires the department of revenue to pay interest on those collections that have not been distributed to counties and cities within 60 days of receiving the collections.

Requires municipalities and the regional transportation district to notify the department of revenue when areas are added to a municipality or to the regional transportation district.

APPROVED by Governor April 14, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-103 Colorado commission on taxation - creation - duties. Creates the Colorado commission on taxation. Specifies the membership and the duties of the commission. Requires the commission to submit to the governor and the general assembly a status report no later than April 15, 2001, and a final report no later than December 1, 2001. Authorizes the commission to receive private moneys to be used for the direct and indirect costs of the study. Specifies staff support for the commission.

APPROVED by Governor April 14, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 00-156 Aviation fund - allocation of moneys back to airports - use for aviation purposes - adjustment in 2000 long bill. Changes the distribution formula for sales and use taxes collected by the state on aviation fuel sold at a public-accessible airport for use by turbo-propeller or jet engine aircraft and credited to the aviation fund. On and after July 1, 2000, provides that airports receive 65% of such tax revenue, rather than the current 75%, with the remaining percentage retained in the fund to be used by the Colorado aeronautical board to make discretionary grants for aviation purposes. Deletes an outdated provision.

Prohibits subsidization of airlines as an "aviation purpose" except for the promotion and marketing of air service.

Adjusts the 2000 long bill to reflect the change made in the distribution formula for the aviation fund by decreasing the appropriation for formula grants and increasing the appropriation for discretionary grants.

APPROVED by Governor May 26, 2000

EFFECTIVE July 1, 2000

S.B. 00-185 Property tax - tax assistance - eligibility for assistance grants - appropriation. For grants claimed for property tax years commencing on or after January 1, 2000, excludes medicaid payments specifically provided for the payment of medicare premiums from income when determining whether a person qualifies for a state property tax assistance grant or a heat or fuel assistance grant.

Appropriates \$277,114 for the 1999-2000 fiscal year and \$554,228 for the 2000-01 fiscal year to the department of revenue for the implementation of the act.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1048 Special olympics voluntary contribution program - extension. Extends to income tax years commencing prior to January 1, 2003, the option for individual taxpayers to make voluntary contributions to the Colorado special olympics fund on state individual income tax return forms.

APPROVED by Governor March 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1049 Income tax - earned income tax credit - increase in amount of credit. For any income tax year commencing on or after January 1, 2000, increases the amount of the earned income tax credit that is allowed from 8 ½% to 10% of the amount of the federal earned income tax credit if the amount of excess state revenues for the state fiscal year that ends in that income tax year is at least \$50,000,000, as annually adjusted for inflation.

APPROVED by Governor May 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1052 Income tax - credit for contributions to the Colorado institute for telecommunication education - refund of excess state revenues. For any income tax year commencing on or after January 1, 2001, if the amount of excess state revenues for the state fiscal year that ends in that income tax year is \$350,000,000 or more, as annually adjusted for inflation, allows a taxpayer an income tax credit in an amount equal to 15% of the taxpayer's total monetary contributions made to the Colorado institute for telecommunication education for the purpose of funding grants or scholarships for students enrolled at the institute. Limits the maximum amount of the credit that may be claimed for any income tax year to \$10,000. Specifies that the credit shall not exceed the taxpayer's actual tax liability for the income tax year for which the credit is claimed and that any amount of the credit in excess of the taxpayer's income tax liability may not be carried forward or refunded to the taxpayer. Requires the executive director of the department of revenue to publish any credit allowed in rules and include any credit allowed in income tax forms.

APPROVED by Governor May 31, 2000

EFFECTIVE May 31, 2000

H.B. 00-1053 Income tax - modification for charitable contributions - refund of excess state revenues. For any income tax year commencing on or after January 1, 2001, if the amount of excess state revenues for the state fiscal year that ends in that income tax year exceeds \$350,000,000, as annually adjusted for inflation, subtracts from the federal taxable income of an individual who does not claim itemized deductions on the individual's federal income tax return an amount equal to the amount of any deduction based upon the aggregate amount of charitable contributions in excess of \$500 that the individual could have claimed pursuant to the internal revenue code if the individual had claimed itemized deductions. Requires the executive director of the department of revenue to publish any income tax modification allowed in rules and include any modification allowed in income tax forms.

APPROVED by Governor May 31, 2000

EFFECTIVE May 31, 2000

H.B. 00-1059 Property tax - payments - delinquent interest. Allows recipients of property tax statements to pay the first installment on property taxes after the last day of February without accruing delinquent interest if the payment is made no later than 30 days after the statement was mailed.

Specifies that the act applies to payments of property taxes levied on or after January 1, 2000.

APPROVED by Governor March 10, 2000

EFFECTIVE March 10, 2000

H.B. 00-1063 Income tax - tax credit for health care professionals practicing in health care professional shortage areas - refund excess state revenues. For any income tax year commencing on or after January 1, 2000, but prior to January 1, 2005, if the controller certifies that the amount of excess state revenues for the state fiscal year ending in that income tax year exceeds the limitation on state fiscal year spending and the voters either have not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year, allows to each taxpayer a credit against the state income tax in an amount equal to one-third of the amount of the loan made to the taxpayer to finance higher education opportunities resulting in a medical, physician assistant, or nursing degree up to the amount of the taxpayer's actual income tax liability for the taxable year for which the credit is claimed.

Specifies that, if the controller certifies that the amount of excess state revenues for any state fiscal year commencing on or after January 1, 2000, but prior to January 1, 2005, are less than \$285 million, the state income tax credit shall not be allowed for the income tax year in which the state fiscal year ended. Requires the executive director of the department of revenue to annually adjust the amount of excess state revenues used to determine if the state income tax credit is allowed to reflect the rate of growth of Colorado personal income for the calendar year immediately preceding the calendar year in which the adjustment is made. Requires the executive director to notify the executive committee of the legislative council of the adjusted dollar amount and the basis for the adjustment. Requires the executive committee to review and approve or disapprove the adjustment, and specifies procedures to be followed in connection with that review.

Specifies that the income tax credit shall only be allowed when the taxpayer:

- Is a health care professional;

- Has resided and practiced in a rural health care professional shortage area for a period of not less than 180 days of the first income tax year for which the credit is claimed;
- Has committed to residing and practicing in a rural health care professional shortage area for at least 3 but up to 5 years pursuant to criteria established in rules promulgated by the state department of public health and environment; and
- Is a borrower on a student loan made to the taxpayer to finance higher education opportunities resulting in a medical, physician assistant, or nursing degree.

Requires the state department of public health and environment to certify that the health care professional qualifies for the credit.

Requires the executive director of the department of revenue to publish rules pertaining to the state income tax credit allowed by the act. Requires the credit to be included on income tax forms for the year in which it is allowed.

APPROVED by Governor May 23, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1065 Severance tax - expansion of oil and gas exemption - withholding requirements. For tax years commencing on or after January 1, 2000, increases the maximum number of barrels of oil that may be produced daily to qualify for an exemption from the severance tax, and excludes such oil production from the ad valorem tax credit. For tax years commencing on or after January 1, 2000, expands the severance tax exemption to apply to gas produced from wells that produce no more than 15 barrels of gas per day and excludes such gas production from the ad valorem tax credit. Applies the severance tax and ad valorem tax credit to oil and gas, and defines "oil" to include crude oil and condensate and defines "gas" to include natural gas, coalbed methane, and carbon dioxide.

Maintains the requirement that a producer of oil and gas must submit a production employee report to the department of revenue, regardless of the applicability of the severance tax exemption.

Reduces the amount that a producer or purchaser who disburses funds to a person owning an interest in oil or gas produced in Colorado must withhold from such disbursements. Excludes from this withholding requirement any production that is exempt from the severance tax if the producer or purchaser has registered such exempt production with the department of revenue in accordance with rules promulgated by the department.

Requires every producer or purchaser who must provide a statement of deductions and withholdings to a person owning an oil or gas interest to retain that statement for 3 years. Requires the producer or purchaser to make the statements available to the department of revenue upon written request of the department.

APPROVED by Governor May 31, 2000

EFFECTIVE July 1, 2000

H.B. 00-1067 Income tax - modification of tax credit for alternative fuel vehicles and

refueling facilities. Extends the following by a specified number of years:

- The state income tax credit for purchasing alternative fuel vehicles;
- The state income tax credit for constructing, reconstructing, or acquiring an alternative fuel refueling facility; and
- The state alternative fuel rebate program for governmental and nonprofit entities.

Eliminates the requirement that a vehicle be used in connection with a business to claim the alternative fuel income tax credit. Specifies that a vehicle using a hybrid propulsion system is a "motor vehicle" for the purpose of qualifying for the income tax credit or the rebate program.

Specifies that the alternative fuels rebate fund for governmental and nonprofit entities may receive moneys transferred from the AIR account. Requires the department of public health and environment, in preparing its annual budget request, to evaluate the projected amount of moneys available in and expenditures from the AIR account for purposes of determining whether a portion of that account would be available for transfer to the fund.

APPROVED by Governor May 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1103 Income tax - reduction of rate - appropriation. Lowers the state income tax rate imposed on individuals, estates, trusts, domestic C corporations, and foreign C corporations doing business in Colorado from 4.75% to 4.63% for income tax years commencing on or after January 1, 2000.

Adjusts the statutory formula for computing the alternative minimum tax to reflect the reduction in the income tax rate.

Requires the executive director of the department of revenue to include a statement on all income tax return forms explaining that the income tax rate was reduced for income tax years commencing on or after January 1, 2000.

Appropriates \$53,577 from the general fund to the department of revenue for implementation of the act. Allows for the appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for further appropriation to the department of transportation for highway construction projects by \$53,577.

APPROVED by Governor May 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1104 Income tax - credit for health benefit plans expenses to refund excess state revenues to comply with TABOR - appropriation. For income tax years commencing on or after January 1, 2000, if the controller certifies that the amount of excess state revenues for the state fiscal year ending in that income tax year equals or exceeds \$400 million, and the

voters statewide either have not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year, allows resident individuals to claim a credit against state income taxes due on the resident individual's income for amounts paid for health benefit plans for the resident individual or the resident individual's spouse or dependents if:

- The resident individual or the resident individual's spouse or dependents were not covered by an individual health benefit plan or an employee or group health benefit plan during any portion of the income tax year immediately preceding the income tax year for which the credit is being claimed; or
- The resident individual was allowed or was eligible to claim the credit for the income tax year immediately preceding the income tax year for which the credit is being claimed; and
- For a resident individual with no dependents filing a single return, the resident individual's federal adjusted gross income does not exceed \$25,000 for the calendar year immediately preceding the income tax year for which the credit is claimed; or
- For two resident individuals with no dependents filing a joint return or two married resident individuals with no dependents filing separate returns, the resident individuals' federal adjusted gross income does not exceed \$30,000 for the calendar year immediately preceding the income tax year for which the credit is claimed; or
- For a resident individual with dependents filing a single return, two resident individuals with dependents filing a joint return, or two married resident individuals with dependents filing separate returns, the resident individuals' federal adjusted gross income does not exceed \$35,000 for the calendar year immediately preceding the income tax year for which the credit is claimed.

Specifies that the amount of the credit shall be equal to the amount paid for the health benefit plan during the taxable year for which the credit is claimed, not to exceed \$500. Prohibits the credit for:

- Any amount paid by a taxpayer for a health benefit plan during a taxable year that is deducted from the federal adjusted gross income for said taxable year; and
- Any amount paid by a taxpayer or employer of the taxpayer during a taxable year for an employee or group health benefit plan for the taxpayer or the taxpayer's spouse or dependents that is provided through the taxpayer's employer.

Limits the credit to one credit per household. Specifies that the amount of the credit shall not exceed a taxpayer's state income tax liability, shall not be carried forward and used against subsequent years' tax liability, and shall not be refunded to the taxpayer.

Requires the executive director of the department of revenue to publish rules pertaining to the credit allowed in any given taxable year and to include the credit in income tax forms for that taxable year. Declares the income tax credit for health benefit plan expenses to be a reasonable method of refunding excess state revenues.

Appropriates \$144,300 to the department of revenue for the implementation of the act. Allows for the appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for further appropriation to the department of transportation for

highway construction projects by \$144,300.

APPROVED by Governor May 25, 2000

EFFECTIVE May 25, 2000

H.B. 00-1134 Income tax - resident individual - military personnel excluded. For purposes of taxation under the state income tax laws, excludes from the definition of "resident individual" any individual domiciled in Colorado who is absent from the state for at least 305 days of a tax year commencing on or after January 1, 2001, for active military duty outside of the United States and who elects not to file a tax return as a resident individual. Excludes from this definition a spouse who accompanies that individual during that individual's absence from the state.

APPROVED by Governor May 26, 2000

EFFECTIVE January 1, 2001

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1145 Property tax - personal property tax credit - refund of excess state revenues. For any state fiscal year commencing on or after July 1, 2000, modifies the credit against state taxes for a portion of business personal property taxes paid during the preceding state fiscal year and the administration of the credit as follows:

- Specifies that any person or entity that, as of June 15 of the state fiscal year immediately preceding any state fiscal year for which the credit is allowed, is the owner of record of personal property in the state that is not otherwise exempt from the levy and collection of personal property tax and on which personal property tax was paid in a timely manner during that fiscal year is a "qualified taxpayer" that may be allowed the credit.
- Requires the credit to automatically be refunded to qualified taxpayers during any state fiscal year if the revenue estimate prepared by the staff of the legislative council in June of the immediately preceding state fiscal year indicates that the amount of excess state revenues for the immediately preceding state fiscal year will be at least \$170,000,000 as annually adjusted for inflation, or if the state controller subsequently certifies that the amount of excess state revenues for the immediately preceding state fiscal year was actually at least \$170,000,000 as annually adjusted for inflation.
- Automates the refunding of the credit by eliminating the requirement that each qualified taxpayer file a claim for the credit and requires county treasurers and county assessors to provide sufficient information to the department of revenue to allow the department to refund the credit automatically. To ensure that the information is accurate, requires the property tax administrator to provide to the county assessor of each county information regarding qualified taxpayers for whom the administrator has determined the actual value of taxable property within the county. Requires the department to keep the information confidential in the same manner as other tax returns and documents. Sets forth deadlines and procedures for the department to follow in refunding the credit.
- If the department of revenue issues an erroneous or excessive refund, allows the department to assess the person or entity that received the refund for the amount of the refund.
- Requires the executive director of the department of revenue to annually adjust

the threshold amount of excess state revenues required to trigger the credit at an earlier time than is presently required.

Requires the property tax administrator to publish a definition or description of the types of personal property that are held for consumption by any business and therefore exempt from property tax in the property tax manuals, appraisal procedures, and instructions.

Specifies that exhibits and statements attached to a personal property schedule shall be deemed sufficient for the purposes of the schedule if the exhibits or statements clearly list the property, the cost of the property, and the date the property was acquired.

Requires each county treasurer to file an annual report of abatements and refunds of personal property taxes with the department of revenue by August 10 of each year. Requires the report to include the name of each owner of taxable personal property granted the abatement or refund of personal property taxes, the amount of personal property taxes abated or refunded, and the date the abatement or refund was granted.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

H.B. 00-1162 Sales and use tax exemption - items used in agricultural operations. Expands the definition of "implements of husbandry" to include:

- Vehicles adapted or used for agricultural purposes;
- Agricultural commodity handling equipment; and
- Heavy movable farm equipment primarily used in a livestock production facility.

With respect to the existing sales and use tax exemption for farm equipment, expands the terms under which a signed affidavit is required to verify the covered transaction to include those purchasing, and not just renting or leasing, farm equipment.

For purposes of the existing sales and use tax exemption, expands the definition of "farm equipment" to include, regardless of purchase price:

- Parts used in the repair or maintenance of farm equipment;
- Shipping pallets or aids paid for by a farm operation; and
- Aircraft designed or adapted to undertake agricultural applications.

Requires any incorporated town, city, or county that presently imposes a sales and use tax on parts used in the repair or maintenance of farm equipment, shipping pallets or aids paid for by a farm operation, and aircraft designed or adapted to undertake agricultural applications to continue to impose the tax unless it adopts an ordinance or resolution that explicitly exempts these items from the sales and use tax.

APPROVED by Governor May 16, 2000

EFFECTIVE July 1, 2000

H.B. 00-1171 Income tax - exclusion of certain interest, dividend, and capital gains income - refund of excess state revenues to comply with TABOR. For any income tax year commencing on or after January 1, 2001, if the controller certifies that the amount of excess state revenues for the state fiscal year ending in that income tax year exceeds \$350 million

and the voters either have not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year, expands the existing exclusion from federal taxable income for state income tax purposes in an amount equal to the aggregate of any interest income, dividend income, and net capital gains, not to exceed \$1,500 in any taxable year. In the case of two individuals filing a joint return or a qualified individual filing as a surviving spouse, the amount subtracted from federal taxable income shall not exceed \$3,000 in any taxable year.

Specifies that, if the controller certifies that the amount of excess state revenues for any state fiscal year commencing on or after July 1, 2000, are less than \$350 million, the state income tax modification shall not be allowed for the income tax year in which the state fiscal year ended. Requires the executive director of the department of revenue to annually adjust the amount of excess state revenues used to determine if the state income tax modification is allowed to reflect the rate of growth of Colorado personal income for the calendar year immediately preceding the calendar year in which the adjustment is made. Requires the executive director to notify the executive committee of the legislative council of the adjusted dollar amount and the basis for the adjustment. Requires the executive committee to review and approve or disapprove the adjustment and specifies procedures to be followed in connection with that review.

Requires the executive director of the department of revenue to publish rules pertaining to the state income tax modification allowed by the act. Requires the modification to be included on income tax forms for the year in which it is allowed.

APPROVED by Governor May 22, 2000

EFFECTIVE May 22, 2000

H.B. 00-1209 Income tax - expansion of income tax modification for capital gains - refund of excess state revenues to comply with TABOR. Makes applicable to any income tax year commencing during 1999 the existing modification to Colorado taxable income that excludes net capital gains earned on Colorado real or tangible personal property or ownership interests in Colorado businesses acquired prior to May 9, 1994, and held for more than 5 years if the transaction from which the net capital gains arise occurs during any income tax year commencing on or after January 1, 2000, for which the amount of excess state revenues for the state fiscal year ending in the income tax year is at least \$260,000,000 as annually adjusted for inflation. For any income tax year commencing on or after January 1, 2001, modifies this income tax modification by reducing the holding period to one year and increasing the excess state revenues threshold for allowing the modification to \$430,000,000 as annually adjusted for inflation.

APPROVED by Governor May 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1211 Special fuel - tax refund. Eliminates the requirement that a vehicle equipped with a power take-off unit be equipped with an approved metering device before a person who purchases special fuel for use and actually uses such specified fuel in such a vehicle may claim a refund of tax paid on such special fuel.

Requires the executive director of the department of revenue to:

- Calculate the amount of the tax refund for special fuel used off roads in accordance with industry-specific percentages that can be justified by studies done by industries that use special fuels off roads and studies done by other states for refunds of tax imposed on special fuel used off roads; and
- Set such percentages by rule.

APPROVED by Governor March 15, 2000

EFFECTIVE July 1, 2000

H.B. 00-1257 Sales and use tax - refund - taxes paid for pollution control equipment to refund excess state revenues to comply with TABOR - appropriation. For state fiscal years commencing on or after July 1, 1999, if the controller certifies that the amount of excess state revenues for that state fiscal year equals or exceeds \$350 million, and the voters statewide have not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year, allows a qualified taxpayer to claim a refund of all state sales and use tax paid by the qualified taxpayer on the sale, purchase, storage, use, or consumption of pollution control equipment during that fiscal year (the refund).

Requires any qualified taxpayer claiming the refund to submit a refund application, including any documentation required, to the department of revenue between January 1 and April 1 of the state fiscal year immediately following the state fiscal year for which the refund is claimed. Prohibits the allowance of the refund to any qualified taxpayer who fails to comply with the refund application requirements.

Requires the executive director of the department of revenue to publish any refund allowed in any given state fiscal year in department rules. Specifies that if the controller certifies that the excess state revenues for the state fiscal year commencing on July 1, 1999, are less than \$350 million, the refund shall not be allowed for the state fiscal year commencing on July 1, 2000. Specifies that for state fiscal years commencing on or after July 1, 2000, if the controller certifies that the amount of excess state revenues is less than \$350 million, as adjusted by the executive director of the department of revenue, the refund shall not be allowed for the state fiscal year immediately following said fiscal year.

Declares that this refund is a reasonable method of refunding excess state revenues.

Defines "pollution control equipment" as any personal property that is certified by the division of administration of the department of public health and environment or that is installed, constructed, or used:

- To eliminate, reduce, or prevent air, water, noise, or other environmental pollution;
- To comply with the "Colorado Mined Land Reclamation Act", the underground storage tanks laws, or the "Colorado Surface Coal Mining Reclamation Act";
- For testing, monitoring, or sampling or for gathering information or data required to be collected by any pollution control agency of the state, federal, or a local government; or
- Primarily as repair, replacement, or operational parts, tools, or supplies to operate or maintain pollution control equipment.

Excludes from the definition of "pollution control equipment" the following:

- Any equipment, machinery, device, or system installed, constructed, or used in or on any residential building or structure;
- Any motor vehicle emission control device installed, constructed, or used in or on a motor vehicle to reduce such motor vehicle's air pollutant emissions; or
- Any residential sewage disposal system or domestic sewer line.

Establishes a process by which property that is installed, constructed, or used to indirectly reduce pollution may be certified as pollution control equipment by the division of administration of the department of public health and environment for purposes of claiming the refund. Establishes a certification application fee and creates the pollution control equipment certification fund in which the proceeds from the application fee are to be deposited. Authorizes the division to use moneys in the fund to cover its actual and direct costs in making certification determinations.

Appropriates \$16,583 and 0.5 FTE to the department of revenue for the implementation of the act. Allows for the appropriation by reducing the appropriation in the 2000 long bill to the capital construction fund for further appropriation to the department of highways for highway construction projects by \$16,583.

APPROVED by Governor May 31, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1259 Sales and use tax - reduction in rate - reduction of sales and use tax on large commercial vehicles - refund excess state revenues to comply with TABOR - appropriation. On and after January 1, 2001, reduces the state sales tax rate imposed upon sales of commodities and services in Colorado from 3% to 2.9% of the amount of the sale and reduces the state use tax rate imposed upon the storage, use, or consumption of articles of tangible personal property purchased at retail in Colorado from 3% to 2.9% of the storage or acquisition charges or costs. Adjusts the amount of the total sales or use tax that may be imposed by the state, any county, and any city or town to reflect the state sales and use tax reduction authorized by this act. Adjusts the percentage of the net revenue from sales and use tax that is allocated to the highway users tax fund.

For state fiscal years commencing on or after July 1, 2000, if the revenue estimate prepared by the staff of the legislative council in June of the calendar year in which that fiscal year ends indicates that the aggregate amount of state revenues will exceed the limitation on state fiscal year spending for that fiscal year by \$350,000,000 or more, as annually adjusted for inflation, and the voters statewide either have not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year, the sales and use tax imposed upon any sale of a new or used commercial truck, truck tractor, tractor, semitrailer, or vehicle used in combination therewith that has a gross vehicle weight rating in excess of 26,000 pounds for the period commencing on July 1 of the calendar year in which that fiscal year ends through June 30 of the immediately subsequent calendar year shall be at a rate of 1/100th of 1%.

Specifies that if one or more ballot questions are submitted to the voters at a statewide

election to be held in November of any calendar year commencing on or after January 1, 2001, that seek authorization for the state to retain and spend all or any portion of the amount of excess state revenues, the executive director of the department of revenue shall not determine whether the sales tax rate reduction shall be allowed until the impact of the results of the election on the amount of the excess state revenues to be refunded is ascertained.

Requires the executive director of the department of revenue to publish rules pertaining to the state sales and use tax rate reduction on vehicles allowed by the act.

Appropriates \$50,459 from the general fund to the department of revenue for implementation of the act. Allows for the appropriation by reducing the appropriation made in the 2000 long bill to the capital construction fund for appropriation to the department of transportation for highway construction projects by \$50,459.

APPROVED by Governor May 31, 2000

EFFECTIVE May 31, 2000

H.B. 00-1268 Property tax - assessment of property - assessment deadlines - assessment data. Include in the definition of "school" for property tax purposes a not-for-profit licensed child care center that offers an educational program for not more than 6 hours per day, employs educators trained in preschool through 8th grade educational instruction, is licensed by an appropriate state agency, and is not otherwise qualified as a school or as a religious institution.

Allows a county assessor to consider a gross rent multiplier as a unit of comparison within the market approach to appraisal when determining the actual value of residential real property.

Requires a county assessor to make available to any taxpayer or agent of a taxpayer the data used by the assessor to determine the actual value of any property owned by the taxpayer within 7 working days following the receipt of a written request for the data from the taxpayer or agent. Requires the assessor to advise the taxpayer or agent of the estimated cost of providing the data upon receipt of the request and collect the estimated cost before providing the data. Allows the assessor to bill the taxpayer or agent for any reasonable cost above the estimated cost subject to a statutory maximum amount.

Requires the assessor in a county that has made an election to use an alternate protest and appeal procedure to complete the annual assessment roll by November 21.

Regarding notice of valuation and appeals of valuation, specifies that producing and nonproducing mines follow the same calendar as personal property.

With respect to any hearing on appeal of a property valuation that was heard by a referee, requires a county board of equalization to make available to any taxpayer or agent of a taxpayer the referee's findings and recommendations within 7 working days following the receipt of a written request for the findings and recommendations from the taxpayer or agent. Requires the board to advise the taxpayer or agent of the estimated cost of providing the findings and recommendations upon receipt of the request and collect the estimated cost before providing the findings and recommendations. Allows the board to bill the taxpayer or agent for any reasonable cost above the estimated cost subject to a statutory maximum amount.

Extends the deadline by which the state board of equalization must complete the annual review of county abstracts of assessment from October 30 to December 20.

APPROVED by Governor June 1, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1270 Sales and use tax - exemption - motor vehicles held for resale. Clarifies that any motor vehicle purchased and held by a motor vehicle dealer for resale in the state is considered to be in the regular course of business and is not subject to the sales or use tax until the vehicle is sold at a retail sale.

VETOED by Governor May 26, 2000

H.B. 00-1274 Income tax - exclusion of qualified state tuition program contributions. Commencing with the 2001 state income tax year, allows payments or contributions made under an advance payment contract, to a savings trust account, or otherwise in connection with a qualified state tuition program to be subtracted from federal taxable income for the purpose of calculating state income tax liability. With specified exceptions, allows exclusions to be recaptured if distributions are not used to pay higher education expenses.

APPROVED by Governor May 25, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1302 Income tax - tax credit for low income housing. For income tax years commencing on or after January 1, 2001, allows a state income tax credit to qualified taxpayers who own qualified low-income housing developments and who have been allocated such a credit by the Colorado housing and finance authority (CHAFA). Authorizes CHAFA to allocate annually from January 1, 2001, to December 31, 2002, an aggregate amount of up to \$5,000,000 plus the amount of any unallocated credits for preceding calendar years plus the amount of any credit recaptured or otherwise returned to CHAFA to qualified taxpayers. Authorizes CHAFA to determine the amount of any credit allocated subject to prescribed guidelines. Prohibits allocation of a credit unless specified conditions are met by the qualified development, the developer, and CHAFA.

Specifies that the full amount of any credit allocated may be claimed for 4 taxable years beginning with the taxable year in which a qualified development is placed in service. Allows any amount of a credit that exceeds a qualified taxpayer's income tax liability for a given taxable year to be carried forward until as late as 2012, but requires the credit to be applied first to the earliest years possible. Allows for the recapture by the state of certain credits under specified circumstances.

Allows an insurance company that is exempt from state income tax to claim and carry forward the credit against the state tax on insurance premiums to the same extent that a taxpayer would be able to claim and carry forward the credit against state income tax.

Specifies filing requirements for claiming the credit. Requires CHAFA and the executive director of the department of revenue to promulgate rules to administer the tax credit and to monitor compliance with respect to the credit.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1310 Insurance premium taxes - unemployment insurance - temporary credit - conditions. For calendar years 2001 and 2002, allows most employers a 20% credit against unemployment insurance taxes so long as the amount in the unemployment insurance fund equals at least 1.1% of the total amount of insured wages paid in Colorado during the preceding year. To be eligible for the credit, an employer:

- Must have paid all required taxes and filed all required reports;
- May not be a negative-excess employer that is assessed the maximum allowable rate; and
- May not elect to make reimbursement payments in lieu of taxes.

APPROVED by Governor March 16, 2000

EFFECTIVE March 16, 2000

H.B. 00-1348 Income tax - credit against tax - conservation easements - refunds - appropriation. For a donation of a conservation easement by a general partnership, limited partnership, limited liability company, or other entity that does not file as a corporation for state income tax purposes, allocates the tax credit for that donation to the partners or shareholders.

For income tax years commencing on or after January 1, 2000, allows a taxpayer who claims a state income tax credit for a conservation easement to make an election each year to have the unused portion of the credit refunded to the taxpayer. Specifies that if this refund is claimed, the aggregate amount of the refund and amount of the credit used as an offset against income taxes shall not exceed \$20,000 for that income tax year. Allows the refund only when the state has excess revenues for the state fiscal year ending in the tax year for which the refund is claimed.

Allows a taxpayer to transfer all or a portion of a credit to another taxpayer subject to specified restrictions.

Appropriates \$69,300 to the department of revenue for the implementation of the act.

APPROVED by Governor May 24, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1350 Local use tax - definition of "construction and building materials". Clarifies that local sales and use taxes are not imposed upon parts or materials utilized in the fabrication, construction, assembly, or installation of ski area passenger tramways that are

purchased, sold, used, stored, or consumed by ski operators and their contractors.

APPROVED by Governor May 26, 2000

EFFECTIVE May 26, 2000

H.B. 00-1351 Income tax - credit for child, child care expenses, and child care facilities - refund of excess state revenues. For any income tax year commencing on or after January 1, 2000, for which the amount of excess state revenues for the state fiscal year that ends in such income tax year exceeds \$290,000,000, as annually adjusted for inflation:

- Supplements the existing child care expenses tax credit with a new child care expenses tax credit in an amount equal to 20% of the amount of the federal child care expenses tax credit and allows an individual whose federal adjusted gross income is more than \$60,000 but less than \$64,001 a child care expenses tax credit in an amount equal to 70% of the amount of the federal child care expenses tax credit.
- Supplements the existing child tax credit with a new child tax credit of \$100 for each qualifying child who is 5 years of age or under at the end of the income tax year for which the credit is claimed and allows an individual whose gross income is more than \$60,000 but less than \$64,001 a child tax credit of \$300 for each such qualifying child.
- Allows a resident individual whose federal adjusted gross income is less than \$64,001 and who operates a family child care home a child tax credit of \$300 for each qualifying child for whom the individual claims a federal child tax credit who is 6 years of age or older but less than 13 years of age at the end of the income tax year for which the credit is claimed and is in full-time care or before-and-after school care in the family child care home.

Requires the executive director of the department of revenue to publish any new child care expenses and child tax credits allowed in rules and include such credits in the income tax forms for each year in which they are allowed.

For income tax years beginning on or after January 1, 2000, modifies the tax credit for any monetary or in-kind contribution that promotes child care in the state so that a credit is no longer allowed for in-kind contributions and the amount of the credit allowed for any monetary contribution is increased from 25% to 50% of the total value of the contribution.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

H.B. 00-1358 Property tax - tax deferred property - interest accrual. Specifies that, on and after January 1, 2001, the rate of interest on real property taxes deferred, which is currently set at 7% per annum, shall be the equivalent of the rate of interest per annum on the most recently issued 10-year United States treasury note, rounded to the nearest 1/10%, as reported by the "Wall Street Journal", as of February 1 of the calendar year in which the claim for deferral is filed. Specifies that, on and after January 1, 2001, interest shall accrue on taxes deferred at that rate beginning May 1 of the calendar year in which the deferral is claimed until the date on which the taxes are paid.

APPROVED by Governor May 25, 2000

EFFECTIVE May 25, 2000

H.B. 00-1439 Property tax - producing mines - valuation for assessment. Changes the period of years for which any owner or operator of a producing mine may request permission to state an average figure for certain items required in the statement that such owner or operator must file with the county assessor for purposes of valuation of such mine to any 3-year, 5-year, or 10-year period, instead of either the 3-year or 5-year period, immediately preceding January 1 of the year in which the statement must be filed.

APPROVED by Governor May 22, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1440 Internet access services - moratorium on taxing, regulating, or charging a fee. Effective April 30, 2001, prohibits:

- The state from imposing, assessing, or collecting any tax, regulation, fee, or charge upon the direct charges for provision of internet access services, whether offered separately or as part of a package or bundle of services, or any provider of internet access services as a means of collecting sales or use taxes from persons who purchase taxable property or services through use of the internet unless the provider acts as a vendor of taxable property or services.
- A statutory or home rule city and county, county, city, or town, or any political subdivision of the state from imposing, assessing, or collecting any tax, fee, or charge upon the direct charges for provision of internet access services, whether offered separately or as part of a package or bundle of services. Excludes from the prohibition any taxes on internet access services actually collected and enforced by a home rule city on or before April 15, 1998, and any franchise fee on interactive computer services delivered through a cable television system.
- Requiring a provider of internet access services to collect sales or use taxes from persons who purchase taxable property or services through use of the internet unless the provider acts as a vendor of taxable property or services.

Makes legislative findings regarding access to the internet, internet taxation, and economic development. Declares that the imposition, assessment, or collection of any tax, fee, or charge upon the direct charges for the provision of internet access service is a matter of statewide concern and that the provisions of the act preempt any local government ordinance, resolution, regulation, or other restriction to the contrary.

APPROVED by Governor May 23, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1470 Greyhound racing - taxation - allocation - greyhound winners' awards program. Reduces the tax imposed on the gross receipts derived from pari-mutuel wagering on greyhound racing from 4 ¼% to ¾ %. Increases the percentage of those gross receipts allocated as purses from 5 % to 6 %.

Creates a greyhound winners' awards program for the purpose of awarding winners'

awards to the owners of Colorado greyhounds that win greyhound races. Requires $\frac{1}{4}$ % of the gross receipts derived from pari-mutuel wagering on greyhound racing, less actual administrative costs, to be paid as awards under the program. Specifies that the amount of the winners' award for each race shall be determined by a point system consistent with the purse structure set forth in the greyhound race meet agreement between the greyhound racing licensee conducting a race meet and the organization that represents a majority of the kennel owners participating at the race meet. Requires all winners' award moneys payable by a greyhound racing licensee to be retained in a trust account until paid out and requires all interest earned on those moneys to be added to the moneys paid out as winners' awards.

VETOED by Governor May 26, 2000

H.B. 00-1473 Property tax - public utilities - assessment - assessment appeals. Excludes from the definition of "public utility", for the purposes of property tax valuation of public utilities, an affiliate or subsidiary of a public utility that is not doing business in this state as a railroad company, airline company, electric company, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company.

Allows any public utility, assessor, or board of county commissioners that is adversely affected by the property tax administrator's valuation to appeal to the Denver district court for a trial de novo or to the board of assessment appeals.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1479 Excise tax on fuels - administration - consolidation of special fuels and gasoline tax provisions. Relocates statutory provisions concerning the excise tax on special fuel into the provisions concerning the excise tax on gasoline, in order that the administration of the excise tax on both kinds of fuels will be governed by the same provisions.

Specifies that the excise tax imposed upon special fuel, now computed upon the amount of the fuel sold, is to be computed upon the amount of the fuel acquired to conform with statutory provisions pertaining to the imposition and collection of the excise tax on gasoline.

Changes the requirements pertaining to the posting of a surety bond by a distributor of gasoline or special fuel.

Specifies that, for purposes of counting the 3 tax-deferred transactions in connection with the tax imposed on special fuel, counting begins when the gasoline or special fuel first enters Colorado, whether by truck or rail.

Eliminates duplicative statutory provisions concerning reporting requirements for exporters of gasoline or special fuel.

Requires terminal operators to be licensed.

APPROVED by Governor June 1, 2000

EFFECTIVE October 1, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

TRANSPORTATION

S.B. 00-203 Department of transportation - utility relocation work in design-build transportation projects. Makes legislative findings on the benefits of coordination between the Colorado department of transportation ("CDOT") and utility companies for utility relocation work within design-build transportation projects.

Authorizes CDOT to adopt rules to further define and implement the processes and procedures for the performance of utility relocation work necessitated by a design-build transportation project.

Authorizes CDOT, when it has entered into a project specific utility relocation agreement with a utility company for the performance of utility relocation work, to:

- Pay for the design work related to the utility relocation;
- Advance funds to a utility company to perform the construction work to relocate the company's facilities; and
- Perform the relocation work through the design-build transportation project contractor in coordination with, and pursuant to, the approval of the utility company.

Declares that CDOT should work with the utility company to come to a mutually satisfactory agreement to allow the design-build transportation project to proceed without causing interruption of utility services. Absent this agreement, authorizes the utility company to address its concerns to and seek agreement with CDOT's district engineer and, ultimately, the executive director of CDOT, if necessary. If no agreement is reached with the executive director, requires the executive director to prepare a written report setting forth the reasons for the dispute and to provide the report to the utility company within 3 business days.

Describes CDOT's rights and remedies relative to utility companies that do not enter into a project specific utility relocation agreement with CDOT.

Requires CDOT to notify a utility company in writing of a design-build transportation project that will require the relocation of the utility company's facilities and to include in the notice the performance schedule for the transportation project within which the relocation must be completed.

Requires CDOT to provide a utility company whose facilities must be relocated due to a design-build transportation project with a replacement easement when feasible and to condemn the replacement easement when necessary. Specifies CDOT obligations when no replacement easement is provided. Requires the utility company to quitclaim to the department any portion of the easement that is replaced or extinguished.

Declares that the provisions relative to utility relocation projects and delays in performance of such projects shall not affect any authority, right, responsibility, or obligation regarding eminent domain proceedings and laws and jurisprudence governing those proceedings.

Requires a utility company that performs the utility relocation work to complete the relocation work within the time specified in a project specific utility relocation agreement or in the performance schedule for the design-build transportation project. Prohibits a utility company from interfering with the performance of the project by another contractor.

Absolves a utility company of any liability for damages caused by delayed performance of the relocation work or interference with the performance of another contractor under specified circumstances.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

S.B. 00-225 Public highway authorities - eminent domain reimbursement to property owners. Specifies that, to the extent applicable, in addition to any compensation awarded the owner in an eminent domain proceeding and any benefits that may be due the owner under current law pertaining to relocation assistance and land acquisition policies, a public highway authority shall additionally reimburse the owner whose property is being acquired or condemned by the authority an amount representing the reasonable costs of relocating the individuals, families, and business concerns that will be displaced by the authority, including moving expenses and actual direct losses of property resulting from the displacement. In the case of an owner that is a business concern, this amount shall also cover reestablishment expenses and lost profits reasonably related to relocation of the business resulting from the displacement for which reimbursement or compensation is not otherwise made.

Requires that, in connection with proceedings for the authority's acquisition or condemnation of property in which the final value of the property as determined by the court exceeds \$10,000, the court shall award the owner all of the owner's reasonable attorney fees and the reasonable costs of the litigation incurred by the owner where the award by the court in the proceedings exceeds by 130% or more the last written offer given to the property owner prior to the filing of the condemnation action. Specifies that the reasonable costs of litigation shall include but not be limited to those statutory items includable as costs.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1057 Public highway authorities - three-lane highways - at-grade intersections - prohibition and exemptions. Moves the three-lane highway at-grade intersection prohibition from the definitions section of the "Public Highway Authority Law" to the section describing the powers of a public highway authority. Allows for an exception to such prohibition when an authority is constructing a public highway to use or connect to an existing at-grade infrastructure, gains approval from the local government that owns the existing at-grade infrastructure to which the authority seeks to connect its three-lane highway, and executes an intergovernmental agreement. Requires the Colorado Department of Transportation to give approval for such an at-grade intersection to an authority when the authority has executed such agreement with the department.

APPROVED by Governor April 28, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1069 Aeronautics division - remote weather systems - appropriation. Directs the aeronautics division within the department of transportation to deploy up to 12 remote weather systems in the following areas: Cameron pass; Corona pass; Cottonwood pass; Glenwood Springs; Kremmling; La Veta pass; Monarch pass; Monument hill; Red hill; Saguache; Wilkerson pass; and Wolf Creek pass.

Authorizes the division to determine the specific location, manner, order, and timing of the deployment of such remote weather systems and to deploy such systems based upon such determinations.

Appropriates \$700,000 to the department of transportation, for allocation to the division of aeronautics for the purposes of the act.

APPROVED by Governor May 22, 2000

EFFECTIVE May 22, 2000

Editor's Note: In section 2 of this act, the provision being amended was erroneously shown as "(1)(m)". The provision actually being amended is "(2)(m)".

H.B. 00-1164 Transportation program funding - allocation of moneys by transportation commission in lieu of appropriations. Requires the transportation commission, rather than the general assembly, to fund the office of transportation safety. Requires moneys in the law enforcement assistance fund that are currently appropriated to the office of transportation safety by the general assembly to be deposited in a newly created drunken driving account and allocated to the office by the transportation commission. Requires moneys in the motorcycle operator safety training fund that are currently appropriated to the office of transportation safety by the general assembly to be allocated to the office by the transportation commission.

Requires the transportation commission, rather than the general assembly, to budget and allocate moneys to be used for transportation services for the elderly and for persons with disabilities.

APPROVED by Governor March 31, 2000

EFFECTIVE July 1, 2000

H.B. 00-1437 Rural transportation authorities - amendment of establishing contracts - visitor benefit tax - maximum rate of sales tax. Clarifies that a contract that establishes a rural transportation authority may be amended in accordance with any amendment procedures specified in the contract.

Subject to voter approval, allows a rural transportation authority to levy a visitor benefit tax on persons who purchase overnight rooms or accommodations within all or any designated portion of the territory of the municipalities and counties that are members of the authority. Specifies that the maximum aggregate amount of the visitor benefit tax and any other lodging tax imposed on overnight rooms and accommodations cannot exceed 2% of the price of the rooms or accommodations. Requires an authority to obtain the permission of a member municipality or county before levying the tax within any portion of the territory of the municipality or county that is not within the boundaries of the authority. Specifies that an authority may derive no more than $\frac{1}{3}$ of its total revenues from the visitor benefit tax. Requires an authority that levies a visitor benefit tax to give due consideration to the transportation needs of persons who pay the visitor benefit tax when constructing, operating, and maintaining rural transportation systems and ensure that those persons have easy access to the rural transportation systems. Establishes procedures for the administration, collection, and distribution of the tax.

Subject to voter approval, allows a rural transportation authority to levy a sales or use tax, or both, at different rates in different designated portions of the municipalities and

counties that are members of the authority. Increases the maximum rate at which an authority may levy such a tax from 0.4% to 1%.

Eliminates the boundary contiguity requirement for property to be added to the territory of a rural transportation authority.

Specifies that for the purpose of determining any rural transportation authority's constitutional fiscal year spending limit, the initial spending base of the authority shall be the amount of revenues collected by the authority from sources not excluded from the fiscal year spending during the first full fiscal year for which the authority collected the revenues.

APPROVED by Governor May 26, 2000

EFFECTIVE August 2, 2000

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 00-1490 Department of transportation - strategic transportation investment project - modification of revenue allocation requirement. Requires that at least 90% of the revenues attributable to the state sales or use tax on vehicles and related items for allocation by the department of transportation for the implementation of the strategic transportation project investment program shall be expended for highway purposes or highway-related capital improvements, including, without limitation, high occupancy vehicle lanes, park-and-ride facilities, and transportation management systems. Deletes existing statutory requirement that at least 80% of vehicle sales and use tax revenues be expended on base corridors.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

WATER AND IRRIGATION

H.B. 00-1365 Monument lake dam and reservoir - transfer of title - ownership and control. Authorizes the governor to execute a deed of conveyance to the town of Monument of all the right, title, and interest of the state of Colorado in Monument lake dam. States that the transfer of title to Monument lake dam will not occur until the dam has been repaired by the town of Monument and El Paso county to the satisfaction of the state engineer's office and other governmental entities with applicable jurisdiction. Allows the town of Monument and El Paso county to apply for financial assistance from the Colorado water resources and power development authority, the Colorado water conservation board, and from any other appropriate state, federal, or private source for the repair of Monument lake dam.

Upon the transfer of title to Monument lake dam, allows the town of Monument to acquire and assume the duties and responsibilities relating to the storage of water in Monument lake reservoir. Specifies that upon the transfer of title to Monument lake dam, the town of Monument shall assume all liability and responsibility relating to the control, management, and maintenance of Monument lake dam and reservoir and El Paso county shall be relieved of all responsibilities relating to the reservoir.

APPROVED by Governor May 23, 2000

EFFECTIVE May 23, 2000

H.B. 00-1419 Colorado water conservation board - project loan authorization - changes in loan amounts to previously authorized projects - appropriation. Authorizes the expenditure of moneys in the Colorado water conservation board construction fund and the severance tax trust fund perpetual base account on the following:

- Certain enumerated water projects;
- Satellite monitoring system maintenance;
- Closed basin project;
- Paonia reservoir research project;
- Alamosa river watershed project;
- Bosley wash feasibility study and demonstration project;
- Lower Elk river floodplain management plan;
- South Denver metropolitan area water supply study;
- El Paso county water master plan participation;
- Restoration of emergency infrastructure repair loan account;
- Annual financial reports of the fund by a responsible independent accounting firm;
- Loan applicant credit reports;
- South Platte river sustainment project reconnaissance study;
- Chatfield reservoir reallocation study;
- K-12 water education program.

Deauthorizes certain projects authorized in previous years. Changes the amounts authorized for certain projects in previous years. Changes project names in previous Colorado water conservation board construction fund project loan authorizations.

Creates the severance tax trust fund statewide water planning account for moneys transferred from the operational account of the severance tax trust fund. Appropriates moneys from the severance tax trust fund operational account to the severance tax trust fund statewide water planning account.

Appropriates \$5,000,000 from the Colorado water conservation board construction fund to the Colorado river recovery program loan account for the purpose of making loans to the Colorado river and San Juan river recovery programs.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

H.B. 00-1438 Water conservation board - powers - conditional water rights. Repeals the ability of the Colorado water conservation board to acquire conditional water rights or change conditional water rights to instream flow uses in the Yampa river basin.

APPROVED by Governor June 1, 2000

EFFECTIVE June 1, 2000

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